

Lincoln. p. 101.

VOL. XIX

Nos. 2-3

THE
MAGAZINE OF HISTORY

WITH
NOTES AND QUERIES

Americanus sum: Americani nihil a me alienum puto

AUGUST-SEPTEMBER, 1914

WILLIAM ABBATT
20 LIBERTY ST., POUGHKEEPSIE, N. Y.
AND
28 WEST ELIZABETH ST., TARRYTOWN, N. Y.

Published Monthly

\$5.00 a Year

50 Cents a Number

THE MAGAZINE OF HISTORY

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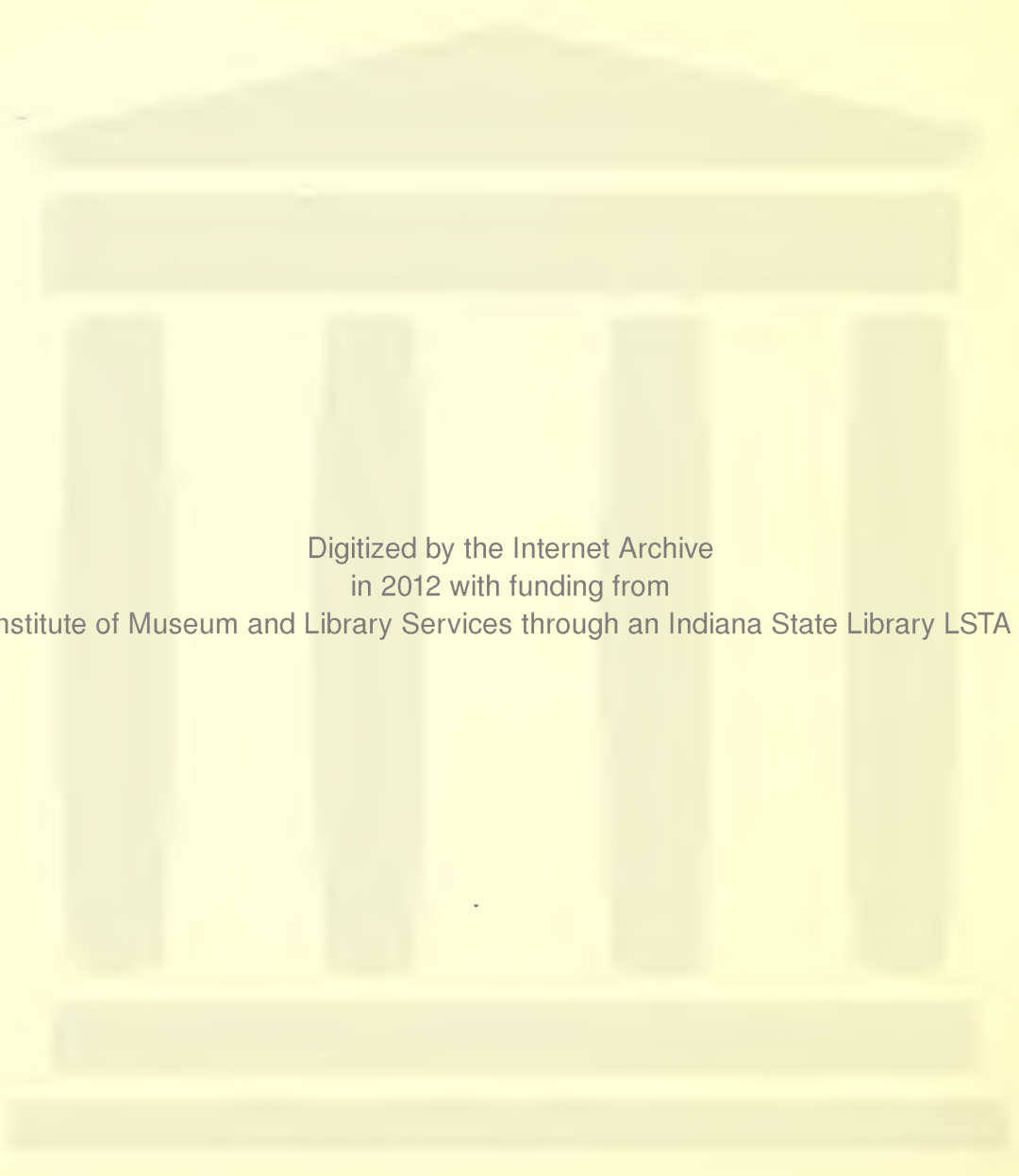
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Entered as second-class matter March 1, 1905, at the Post Office at Poughkeepsie,
N. Y. Act of Congress March 3 1870.



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THE VOLUNTEER NAVY IN THE REVOLUTION

WHEN the War for Independence broke out but few of the colonists had ever been engaged in maritime warfare, and there was practically no one man who could be called on regarding the larger aspects of naval affairs. England had theretofore held in her own hands the entire management of her Navy, just as she does to day, its officers being consistently drawn from those portions only of the British dominions which are included in the small group of islands known as Great Britain and Ireland. Naturally, in a profession of which only the lower ranks were open to the dependent colonists, there was no opportunity, up to 1775, for those colonists to study comprehensively the art of maritime warfare. It is not to be wondered at therefore, that their leaders had at first no way of meeting the well-organized hosts arrayed against their country, save only by military force. Fortunately they had organized an Army before it was definitely determined by them to cast off their allegiance, and all legislation at Philadelphia, at the beginning of hostilities, contemplated the betterment of the Army, and did not provide for the formation of a Navy. Washington, was naturally selected to command the Armies of the United Colonies, and was given all necessary power to carry out the military policy of the country such as it was.

When, the British evacuated Boston, Washington sent his able assistant, Captain Thomas Machin, to the eight-mile strip of land uniting Cape Cod with the mainland (now severed by the Cape Cod Canal) to see if he could find a passageway through it for small vessels from Barnstable to Buzzard's Bay. He felt certain that could such a watercourse be found, his troops, embarked on small craft, could out-sail the slow and overburdened ships of the enemy on their long way around Nantucket shoals to Sandy Hook, while he hastened on the shorter interior line of communication to the same destination. Ma-

—Read before the D. C. Society, Sons of the Army of the Revolution.

chin, was, unfortunately, compelled, to report that while only three miles of intervening sand separated the east and west flowing streams, the barrier was enough to prevent the adoption of this route. The troops were consequently compelled to march from Boston across country to the banks of the Hudson, without the advantage of the more easy means of transportation which the enemy possessed. Their progress was naturally very slow.

Soon after taking command of the Army, Washington saw the necessity for possessing a sea force for combatting the sea-power of the enemy, and for cutting his line of communications with England. With no other authority than that contained in his commission, to "be general and Commander-in-Chief of the Army of the United Colonies, and of all the forces now raised, or to be raised by them", he purchased a number of small vessels and placed them in charge of military officers who had had some experience in seafaring matters. As early as October 16, 1775, in a letter to John Hancock, he said: "A fortunate capture of an ordnance vessel would give new life to the camp and an immediate turn to the campaign." A short time after he had written this, as if in answer to his wish one of the vessels of the so-called "Washington Navy" captured a British supply vessel filled with war material, such as could not have been manufactured in this country in a year. This fortunate capture did indeed "infuse new life into the camp and an immediate turn to the campaign."

The chief embarrassment to the patriots was the want of munitions of war. There was an abundance of patriotic men in the country ready to rush to arms for the protection of their homes and firesides when the tocsin of war sounded, but there were no means of supplying them with the necessary arms. But for the capture of the enemy's supply ships our cause must have failed in the incipency of the struggle for freedom.

As the war progressed, Washington became more and more impressed with the importance to the country of a Navy, and on several occasions put his views of the matter on record as he also did after he became President. But probably the most forceful expression he ever made upon this subject was in a letter to the Comte de Grasse, the Commander of the French fleet, just before the battle of Yorktown, when he put the matter thus:

"With your Excellency I need not insist on the indispensable necessity of a maritime force capable of giving you an absolute ascendancy

in these seas. You will have observed that, whatever efforts are made by the land armies, the navy must have the casting vote in the conflict."

Shortly after this pathetic appeal to his ally, the "sea-power" of France was effectually brought into action, with the result that the British fleet, which had been sent to open the way for reinforcements to join Cornwallis, was defeated and driven back, leaving Washington with a force of French and American troops, in number much greater than that of the British troops, with which to bring about their surrender, and practically to put an end to the war.

The Revolution had not progressed far before it became evident to Congress, as it had been to Washington, that the country needed a force on the sea to carry on an offensive-defensive campaign. "They could not fail to realize," says one good authority, "that, situated as the colonies were along a stretch of undefended coast nearly two thousand miles in extent, over which the enemy held undisputed possession of the sea, which enabled him to select any number of points from which to organize expeditions to sever communications between the widely-separated armies of the colonists, he had an advantage that rendered well nigh hopeless the cause of independence unless the Americans could bring "sea-power" to their aid."

On October 3, 1775, Silas Deane, John Adams and John Langdon were appointed a committee by Congress to fit out two swift sailing vessels, one of 10 and one of 14 guns, to cruise to the eastward for the purpose of intercepting two British transports which were reported to have sailed from England for Quebec a short time before laden with arms and ammunition. It may be said that this date was the "birth-day" of the American Navy. As soon as the committee got down to its work and had begun to study the subject, they realized that this force was not sufficient for the needs of the country, and recommended an increase, with the result that soon thereafter Congress passed a law allowing the purchase or construction of a number of other vessels. This was followed by the appointment of Esek Hopkins, of Rhode Island, as Commander-in-Chief of the fleet, a position designed to correspond to that held by Washington as Commander-in-Chief of the Army. As, however, we are to deal with the Volunteer Navy only, I shall not take your time to tell the story of the Regular Navy.

The country at the time was menaced by over one hundred British efficient ships (carrying about 2000 guns) which lined our coasts. The number of vessels that Congress was able to provide for out of the national treasury for building up a *regular* naval force was insignificant, so far as ability to combat the enemy's navy was concerned. On March 23, 1776, under these discouraging circumstances, Congress enacted a law permitting the inhabitants themselves to fit out armed vessels. The law is as follows:

“RESOLVED, That the inhabitants of these colonies be permitted to fit out armed vessels to cruise on the enemies of these United Colonies.”

By this law a purely volunteer service for cruising on the enemies of the colonies was permitted, and I feel, therefore, that I am warranted in styling this special volunteer service “The Volunteer Navy of the Colonies.” It is unfortunate that the term “privateer” was ever used in connection with this service, because in the early history of maritime affairs, when European countries were engaged in struggles for the possession of the Americas, and were resorting to acts of piracy in their efforts, “privateer” was considered synonymous with “pirate” or “buccaneer”, and this fact tainted the record of this sort of service ever afterwards; but this stigma was in no wise warranted by the conditions which prevailed among us in 1775-83. The prevailing impression that individuals engaged in carrying on this special service at private expense during the Revolutionary War, were actuated by less patriotic motives than those serving against the enemy on land, is erroneous. To be sure “prizemoney” was made the basis for recruiting its *personnel*, but the same may be said regarding the enlistments in the colonial and state navies, and to a greater extent in the British Navy, where all of the prize was given to the captors, and not one-third or one-half of it as in the American service. The principle involved in allotting prizemoney to its authors does not differ a particle from that of granting bounties to our soldiers as an inducement to enlist in the army; this being a common practice, not only during the Revolution, but in every armed conflict in which we have been engaged. It was the independent action in carrying on their work that appealed to the commanders of private armed ships, and to the subordinates who looked forward to speedy promotion in the service, and not the mere possibility of gaining prizemoney, which might or might not come to them.

The officers who commanded the volunteer vessels were generally men far above the average in intelligence, who had followed the sea for a livelihood, or who as residents of our seaports were interested in maritime affairs; and in a seafaring life they found opportunities to serve their country with good effect in its dire extremity. Their vocation made these officers natural leaders of men, and living ever in the presence of danger, they became habituated to quick action and deeds of daring.

The crews of the vessels composing the Volunteer Navy were, as a rule, made up of two distinct classes. First, there was the younger set, who came from the towns along the coast, and who, in taking up this calling, were following the dictates of heredity, or were drawn to the service by those fascinating stories relating to the sea which were often repeated to them by fathers, brothers or friends, and which always appeal to the imagination of sturdy boyhood. These young men, representatives of the best families of New England, acted on board the ships as a sort of marine guard, drilling as infantry and artillery and forming what might be called the combatant force of the crew. Their general intelligence gave character to the calling. The service soon became known as "The Gentlemen's Service", and young men of good endowments and pedigree flocked to its ranks.

The second part of the crews was made up of 'long shore men, found in our sea port towns, who were naturally good seamen, though not so well educated or so well appointed as the upperclass men. This combination produced an organization somewhat of the same order as that which existed in the British Navy almost up to that time. Soldiers were then sent to sea to fight the enemy in warships, while the seamen proper handled the gear and performed the drudgery of keeping the vessel clean.

So popular became the Volunteer Navy that on several occasions during the war, Congress and the State Councils placed an embargo on its enlistments until the quota required of the different colonies to fill the ranks of the Army could be made up.

The small State Navies that were organized during the Revolution were governed so much like the private armed service that I shall treat them as a part of the Volunteer Navy.

It would be impossible for me to give in the small space allowed to an article of this character, a comprehensive idea of the valuable work

performed by the Volunteer Navy; and I shall therefore confine myself to the brief recital of a few incidents of the war in which the volunteer ships were engaged, in order to show the general character of the service. It has frequently been said by unknowing ones, that notwithstanding the fact that private armed vessels of the colonies captured many ships, the prizes consisted mainly of property which had no strategic value for the cause for which the colonists fought. I shall endeavor to show that, while this is true to a certain extent (there being some \$24,000,000 worth of the enemy's property captured on the high seas) a number of transports carrying troops and supply vessels also surrendered to the private armed ships, which did have an important strategic influence on the result of the war. One case in particular is so marked that I shall present it somewhat more in detail than is given in the few general histories of the war which have referred to it.

In December, 1775, Connecticut, which already possessed a small State navy, decided, through the General Assembly, to increase its naval force. The Council of Safety thereupon purchased the brigantine "Defence", a small merchant vessel, and appointed Captain Seth Harding of Norwich, Connecticut, to command her. She was fitted out with fourteen guns of light weight and a crew of eighty men. Harding was ordered to cruise in and near Long Island Sound, the object being mainly to protect the coast of Connecticut from the depredations of British craft in the adjacent waters, and from the Tories on Long Island, where they were numerous. Harding had left his beat in waters near the state, and as he sailed along the coast of Massachusetts early in the morning of June, 17, 1776, he heard desultory firing in the distance. Crowding on all sail he headed the "Defence" in the direction of the cannonading, but could not come up with the cause of the disturbance until about dusk, when he fell in with two small schooners belonging to the Washington Navy, the cruiser "Lee", Captain Daniel Waters, and the "Harrison", Captain Samuel Tucker, manned by a crew of fifty men each and armed with four 4-pounders, together with two small private armed schooners which had been engaged in a running fight with two heavily-armed British transports carrying troops from Scotland to America. When the British had evacuated Boston a few weeks before, and the British fleet had embarked the royal troops for transportation to New York, several ships were left at Boston for the protection of vessels coming from England. The last of these protecting ships, however, had left the port but a day or two before the action

here referred to took place, but the fact of their departure was not generally known. The officers on the arriving British transports no doubt supposed the place to be still in the hands of their friends, and after driving off the small American vessels above mentioned they entered the harbor and anchored in Nantasket Roads, about twenty miles below Boston. Upon arriving in his turn at the mouth of the harbor, Harding learned of the situation and taking command of the combined force hastily formed the four defeated schooners into a squadron and prepared to attack the British ships. Then boldly standing into Nantasket Roads in the darkness of the night, expecting the other vessels of his improvised squadron to follow, much to his surprise he found his ship alone in the presence of two large transports unsupported by the rest of the squadron. Not dismayed however, he anchored the "Defence" between the transports and ordered them to "strike their colors to America".

Thus situated between the broadsides of their two ships, the enemy naturally had no fear of the result of a conflict with this small vessel and a voice from the larger of the transports defiantly answered Harding's demand to surrender with: "Aye! Aye, I'll strike!" And strike he did,—by pouring a whole broadside into the "Defence". At such close quarters the shots from the enemy must have given a terrible shock to the little American vessel, but the fire was returned promptly, and, after a severe engagement lasting three hours, both British vessels were forced to surrender and call for quarter. The captured transports proved to be the "Annabella" and "Lord Howe", carrying 267 men of General Fraser's crack 71st. Highland regiment*, commanded by Lieutenant Colonel Archibald Campbell. Forty-eight British seamen, who formed the crews, also became prisoners of war, making a total force of 315 combatants who fell into the hands of the Americans. For daring and consummate skill of the commander of the "Defence" this single ship engagement has but few equals in maritime warfare. In this stubbornly fought and long-drawn-out battle the "Defence" was a good deal cut up in her rigging and had nine men killed and wounded,

*No record of exchanges of prisoners (rank and file) being kept (apparently) during the Revolution, it is impossible to now determine what became of these men. The 71st bore a conspicuous part in several battles, the last specifically mentioned in history being Guilford Court House—so either they were exchanged or the skeleton companies were rapidly filled up by recruits.

Colonel Patrick Ferguson, of King's Mountain, was an officer of the 71st.—[Ed.]

while the enemy had seventeen wounded and eight killed, among the latter being Major Menzies, who had answered Harding's hail to surrender with "I'll strike".

Notwithstanding the severe pounding received by the "Defence" Harding hurriedly repaired damages and, the next morning another vessel appearing on the distant horizon, he crowded all sail in chase, and soon brought her to, with her colors lowered in capitulation.

This prize proved to be H. B. M. transport "John and George", of six guns, having on board 112 Highlanders belonging to the same regiment as did those which had been before captured. Thus did 379 of the best troops in the British Army, together with about 75 regular and disciplined seamen—a total of 456 combatants—fall into the hands of the Americans, through the valiant action of Seth Harding on the "Defence".

At this early stage of the war, every capture of troops or seamen was of double importance to the cause, as it not only weakened the enemy but checked their disposition to treat their prisoners as "rebels", as they claimed the right to do; and the outcome of Harding's gallant action had, therefore, no little weight in the strategy of the war.

Some historians have referred briefly to this brilliant naval engagement but as usual in writing of naval affairs, about which they know but little, they have raised a question as to whom the credit was due for the capture. I wish, therefore, to present some data bearing on the case which I have taken from credible records and which fix the responsibility in the matter.

On page 1, Vol. IX, "Revolutionary War Vessels", dated July, 1776 we find: "John Bradford, Agent of Samuel Eliot", credits the following to the *captors* in the "Defence".

" 4/16 of the net proceeds of the 'Lord Howe'	£ 181- 3s- 4¼ p
" 5/16 do 'George'	£ 900-18 - 7
" 5/16 do 'Annabella'	£ 123- 2 -10¼

An act of Congress passed November 25, 1775, prescribes that "Where the vessels employed in the capture shall be fitted out at the expense of any of the United Colonies, one-third of the prize taken shall be to the use of the captors, and the remaining two-thirds to the use of the said colony".

This allotment to the captors in the "Defence" of nearly one-third of the value of the prizes taken at Nantasket, is an assurance I think that the crew of this little vessel was entitled to the lion's share of the credit for the capture.

One of the writers of history to whom I have referred ascribes the victory to the little Massachusetts State cruiser "Lee", which has been shown to be present on this occasion; but the desertion of the "Defence" at the critical period of the battle by that vessel and the others that failed to get into the action was so marked, that Samuel Smedley, the first Lieut. of the "Defence", who afterwards became an officer in the regular navy of the colonies, openly charged their commanding officers with cowardice.

Some discrepancy appears also regarding the number of men engaged which it might be well to correct here. Cooper's "History of the Navy" states for instance, that "These transports contained nearly 200 soldiers of the same corps shortly after taken by the 'Doria', which captured 400 Highlanders in two vessels".

Dr. James Thacher, who was stationed at Boston at the time the British transports were taken, wrote in his Diary which was first published in 1827 thus:

"The removal of the British armed vessels from Nantasket Roads has been productive of very favorable consequences. Three days after their departure, two transports from Scotland bound to Boston, unapprised of the event, entered Nantasket Roads and were captured by privateers. Major Menzies and 8 others were killed and 17 wounded. Lieut. Col. Archibald Campbell, 267 Highlanders and 48 others, were made prisoners. Major Menzies has been buried here with military honors."

In view of the fact that Dr. Thacher was on the spot and, soon after the event took place, recorded so specifically the result of the conflict which took place in Nantasket Roads the number of the killed, wounded and prisoners, we may well assume that he is more likely to be correct in his statement regarding this brilliant engagement than other chroniclers who refer to the matter only in a general way, and who wrote their accounts long after the affair took place.

From the account given by Cooper, of the capture of 400 British troops by the Colonial brig "Doria" (Andrew Doria) under the com-

mand of that gallant young officer Nicholas Biddle, together with the story of the "Defence" herein given, we find that through the invaluable service of Harding and Biddle, practically a whole regiment of nearly 800 men, (the 71st. Highlanders) fell into the hands of the Americans before the force could even put a foot on American soil. The loss of this splendid corps was a very serious matter to the British, and it gave Washington at the same time a powerful weapon to use in retaliation for outrages committed by the enemy against our countrymen, or for use in the exchange of prisoners.

Upon returning with his ship to the rendezvous at New London, Harding reported his action to the Connecticut authorities; and as he had undeniably left his station off the coast contrary to instructions, he made an excuse for so doing. It is needless to state, that the Governor and Council justified his action and commended his judgment.

For his gallant action he was, by a special act of Congress, made a Captain in the Colonial Navy, the act itself assigning him to the command of the Continental cruiser "Confederacy", in which he served with marked credit to himself and the service until nearly the end of the war, when his ship was captured by two powerful British frigates. This is the only case on record, I think, with the exception of that of John Paul Jones, where an officer was ordered by a special act of Congress to command a vessel of war.

After the disbandment of the Navy at the close of the Revolution Harding retired to his native city of Norwich, where he was wont to draw around him an interested crowd of young people to listen to stories of brilliant actions on the sea in which he had taken a prominent part. In 1820 Congress granted him a pension of a Captain in the Navy in recognition of his valuable services to his country.

Some attention has been given in histories to the action of private armed ships during the Revolution, but little has ever been published regarding the important service to the country performed by small armed boats which operated in the interior waters along the coast. I propose therefore to give a brief account of some incidents that have come to my knowledge which, I think, are not generally known, the results of which were of inestimable value to the cause of Independence.

The most of us are familiar with the story of Captain John Barry, of the Navy, and his squadron of small boats which operated against

the enemy in the Delaware; but there were other men, not in official life, whose work is consequently not so well known, who should also be remembered in considering the claims of our countrymen to the gratitude of the nation for their service in the cause of freedom.

Rev. James Murray, of Scotland, in his "Impartial History of the Present War in America", published soon after the close of the war, thus writes on this subject:

"During this state of affairs, the American cruisers and privateers, though exceedingly poor and contemptible, being for the most part no better than whaleboats, grew daily more numerous and successful against the transports and storeships". (of the British.)

This extract is a pointed allusion to the action of some Connecticut men living along the shores of Long Island Sound. Their activities were such, as stated by Miss Calkins, in the "History of New London" that "the place became a den of serpents to the British, constantly sending out its sloops and schooners, well manned by skillful and daring seamen, to harass the boats and tenders of the enemy." These boats were about 30 feet long of the whaleboat type, propelled by oars, with a crew of from 16 to 20 men.

Situated near the entrance to Long Island Sound, through which nearly all the British shipping passed in carrying supplies to the headquarters of their Army at New York, New London was the base for most of the operations carried on by these small boats, and from here raiding parties were frequently fitted out to act against the enemy in the adjacent waters of the Sound. The inhabitants of the "Old Harbor Town" were mainly a hardy seafaring class of men, who had gained the necessary experience on the sea which well fitted them for enterprises of this character, and their indomitable pluck and skill made them apt scholars in warlike measures, and caused them to take great risks in their execution. Embarked in small boats they would frequently dart across the Sound to Long Island seize supplies intended for the British forces and bring them back to replenish the resources of our own troops. They would occasionally capture large British storeships in the Sound laden with articles very much needed by the colonists. In June, 1776, eighteen prizes of this character were sold in New London.

"It is not the size of the force which determines its value to the country, but what is done with the force" once wrote Abraham Lincoln

to a disgruntled general, who had complained that the number of the troops in his command was not commensurate with his rank. Measured by such a standard, this small but effective boat-service deserves more consideration than it has ever received in the record of the country's struggle for independence.

Not only were small boats used on raiding-expeditions of a private character fitted out at New London, but as the place was ever in danger of an attack by a British naval force, such boats formed a part of the regular defense of the port. It seems that at a meeting of the Governor and Council of Safety, at Hartford, May 20, 1777, it was voted:—"that the Commander-in-Chief at forts at New London and Groton, be, and he is hereby, directed to employ two whaleboats, properly manned, to ply in harbor and Sound near New London and the adjacent coasts, especially in the night season and thick weather, to observe the motion of the enemy in the Sound and on Long Island, &c., as he shall deem necessary and convenient from time to time, and at the present time, and to give notice of the same to prevent surprise at those ports."

On one occasion at least, it is recorded that a requisition was made upon Lieut. Col. Ledyard, commanding the district, "for two fully manned and armed boats" to engage in expeditions against the enemy organized from other parts of the state, showing that they were a recognized part of the coast defenses. The most of the force under the command of General Arnold in his remarkable campaign on Lake Champlain in 1777, was composed of men from Connecticut who were enlisted because they were sailors, and in calling for reinforcements Arnold wrote, "Send me seamen, I want no land-lubbers".

David Bushnell, also, drew his force from among the resourceful seamen of the state in carrying on his disconcerting submarine work, which threw the British into such consternation as is so humorously described in Francis Hopkinson's poem, "The Battle of the Kegs."

My limited space will permit of only a brief reference to the work of the boats, although there is much on records, not given in history, regarding this unique service. I shall therefore confine myself to the quotation of some extracts from the *Connecticut Gazette*, published in Hartford and some others:

October 25, 1777—"It is reported that fifteen prisoners were taken in a small armed schooner in the North river, by Captain Jason Chester

and a party of men in boats, who were brought to Hartford and committed to jail."

"On Sunday night, May 10, 1778, two boats commanded by Captains Dayton and Chester, with 14 men in both, (each?) crossed Long Island, and, carrying one of the boats across a narrow part of the Island to South Hampton, they went about sixty miles up the south side to Fire Island Inlet, and captured five coasting vessels there, loaded with lumber, oysters, household furniture and some drygoods and provisions. The prizes all arrived in safety. More might have been brought off could they have manned them."

Soon after, on a similar expedition they took eight whaleboats, says the paper, and proportionately large results were obtained with them.

October 23, 1778, it was reported in the *Gazette*, that "during the past week Captains Jason Chester and Foster had made another expedition to Fire Island Inlet, and took a schooner (of) 12 swivels and 1 carriage gun and 17 men, and afterwards took 6 other vessels in the Inlet. But while a part of the men were taking salt out of a vessel that had run aground, and others being on board the different prizes, three only (Chester, Foster and another) remaining in the armed vessel, the prisoners took the opportunity to rise, when they knocked Chester overboard, who swam ashore, but the other two were supposed to be killed and ten others made prisoners. Upon this the rest of the party quitted their booty, which was very considerable, and made the best of their way off." This record seems to imply that there were other expeditions of this character in which Chester and Foster had been engaged, and, it is believed, "the half has never been told."

When it is remembered that the commissariat of the British Army stationed at New York depended mainly upon the farms on Long Island for its supplies, we can readily understand the value to the colonists of such raids on the British resources. They not only injured the enemy but at the same time, benefitted our own struggling and half-starved troops.

Another brilliant affair of the boats, an account of which I have taken from the records of the Public Library of Stamford, Conn. is the following:

"CAPTURE OF A BRITISH SLOOP-OF-WAR"

(Published in 1841 in a pamphlet by the Rev. J. W. Alford.)

"A frigate and sloop-of-war belonging to the British were lying in Oyster Bay L. I., opposite to Stamford, Conn., and the whaleboats from the place, commanded by Captain Ebenezer Jones, determined to take the sloop.

On a foggy morning they rowed silently around her and coming nearer they were at length descried and hailed—"Who's there?"—"A friend"—A friend of whom? "I will let you know", said Jones, 'the rebels have been rowing around the bay all night and you have known nothing about it. I will report you to the Admiral for neglecting your watch.' The British Captain thinking Jones was some influential Tory living on the island, who might damage his reputation by making such a report, protested his innocence of the charge with much vehemence. By this time the men in the Yankee boats were climbing up the side of the vessel opposite to that on which the two captains were carrying on the discussion in the presence of the ship's lookouts. Jones, being called on board the cruiser, was still storming away at the Britisher for neglecting his duty, and the much perturbed skipper was endeavoring to exculpate himself by displaying a number of rifles primed for any emergency.

Watching his opportunity, Jones suddenly stamped upon the deck, when his men jumped over the rail of the vessel, seized the muskets ready at hand, with which they overpowered the surprised crew and captured the ship. The sloop-of-war carried from 15 to 20 guns and was fully equipped for service. "Another large vessel was captured about this same time by these boats, in open daylight," continues the narrative.

Many similar records might be produced to show that the private armed boat service, such as that made memorable by the gallant Cushing in our Civil War, was of very considerable strategic value to the colonists in the earlier war.

WHAT THE NAVY ACCOMPLISHED

After the close of the War the soldiers returned to their homes, and by frequent recitals to friends and others who were interested in their war stories, made them acquainted with the exploits of the *armies* of the

country, until some chroniclers with ready pens, seized upon the opportunity to make fame for themselves and their favorites by putting in enduring form what they had heard from these veteran warriors. On the other hand those patriots whose valorous achievements during the war had been confined to the sea, continued to follow their calling on the ocean, separated from friends, and from authors who might have written accounts of their brave deeds. Their exploits gained no attention in the onrush of newer events in the busy world of which they were apart, and their heroic acts were finally forgotten even by the participants themselves. The consequence is that chroniclers who have written general histories of the war have done but little more than tell the story of the soldier. Histories designed to educate the youth of the country have related, with minute detail, the story of the capture of Stony Point and five hundred and forty-three British; of Ticonderoga with its garrison of fifty men; of the battle of Trenton with nearly one thousand prisoners. But few of our children have ever heard of the capture of almost the entire 71st. British Regiment in five transports by the little Colonial brig "Andrea Doria" and the Connecticut State cruiser "Defence".

By the very nature of their vocation the seamen who served in the Revolution were better disciplined than were their army brethren, their restricted environment enabling officers placed over them to control almost every movement made by them, and to hold them under strict subordination. Desertions rarely took place in their ranks when engaged in service, and as practically every voyage they made was subject to critical examinations by prize courts, on the result of which their gain was based, there was every reason that their actions should be legal and proper in every respect.

When we realize that such men as Truxton, Biddle, Barney, Barry, Porter, Perry, Rodgers and others who afterwards increased their fame in the regular Navy of the United States, were once privateersmen, we may realize that the work of the private armed vessels fitted out by the colonists was worthy of the cause for which they fought.

Unfortunately for the country the Colonial Navy was deprived of its Commander-in-Chief early in the Revolutionary War through the bickerings of politicians in Philadelphia, and the Regular Navy was finally wrecked on the shoals of sectionalism. Only John Paul Jones,

separated by three thousand odd miles of ocean from the landsmen who controlled the destinies of the service, with the "cable cut" between them as we would say to-day, could contend with this maladministration, and with the exception of his squadron the vessels belonging to the United colonies were soon laid up in our dockyards.

But as the regular vessels gradually went into the scrap-heap, the volunteer service grew in magnitude and importance, until it became the strongest arm of the national defence, numbering at one time nearly forty thousand men. In the latter part of the war Washington, seeing the hopeless condition of the national ships, wrote to a friend in Congress urging him to use his influence to have an Admiral appointed to take charge of the Navy, or, said he, "if this cannot be done would it not be well to give the vessels belonging to the Colonial Government to officers of experience, and let them operate them for the cause as best they could?"

Notwithstanding the scant reference to the work of the sailor in general histories of the Revolution, no one who traces with scientific accuracy those stirring events that made us a nation, can fail to realize the truth of the statement, made by Washington to Comte de Grasse, that "whatever efforts are made by the land armies the navy must have the casting vote in the conflict." Thus he anticipated Admiral Mahan in appreciating the value of sea-power.

The maritime forces of the nation, including the volunteer service, which I think I am warranted in considering a part of the forces, had a remarkable record during the war, as may be seen from the following statistics:

Regular naval vessels of all descriptions	64
Private armed vessels	1250
Number of guns carried on the Continental vessels	1242
do 'private armed vessels (about)	18000

The rosters of the private armed ships are not to be had, but if we allow an average of only fifty men for each vessel engaged in the war—a small number indeed, for many of them carried over one hundred—we shall have the total of nearly 70,000 men, as the complement of the Navy—which is the number given in Allen's "History of the American Navy during the Revolutionary War."

The number of British vessels captured was 797, of which about 600 surrendered as prizes to the private armed ships.

The value of the prizes captured during the war was \$24,000,000 three-quarters of which amount was due the volunteers.

As stated by Maclay, the Navy, as a whole, took part in fifty-seven general engagements during the war, of which forty-one were victories for the Americans, or seventy-two per cent of the entire number. This was nearly double the percentage of the Army which met the enemy forty-eight times and won only nineteen victories a score of forty per cent.

Leaving out the 7000 British soldiers captured at Yorktown, which capture was, as is now generally recognized, largely due to the Navy of France, the American Army captured 15,000 prisoners during the war, while those taken by the Navy of the Colonies numbered 16,000.

Maclay further states that "while not a single Continental cruiser was taken by British privateers, sixteen English cruisers were taken by American privateers, or by private enterprise. Of these five were captured by small boats."

With such a record, the American people of to day may well take pride in the glorious achievements of their sea-forces in the Revolution, as they now take pride in the fact that the Navy of the United States has become the strong right arm of the nation and its first line of defence. And as time goes on our people will continue to realize that "sea-power" is the vital force that is necessary to maintain that supremacy of the country in the galaxy of nations, which it rightfully holds as the "Father of Republican Governments."

COLBY M. CHESTER.

BROOKLYN, N. Y.

RELIGIOUS LIBERTY IN COLONIAL NEW YORK

(This is a conclusion to Mr. Guernsey's article published in the *MAGAZINE* for February, 1906.)

PART III

AFTER THE CONQUEST OF NEW NETHERLAND

THE first Governor of New York was Col. Richard Nicolls as the lieutenant governor of the Duke. The patent of Charles II was dated March 1664. It was entrusted to Nicolls who with three other commissioners consisting of Sir Robert Carr, Sir George Cartwright, and Samuel Maverick were instructed, among other things, to take possession of the Dutch province of New Netherland which was covered by the patent.

These instructions were dated April 23rd, 1664. The commissioners were sent out to settle the affairs of the Provinces, hear cases of appeal, and make reports, &c. The king desired that Governors should hold office from three to five years, and that three persons should be nominated to him for the office, from which he would select one. With reference to religious worship he desired to make no change, unless "they do in truth deny that liberty of conscience to each other which is equally provided for and granted to every one of them (the New England Colonies) by their charter."

In his instructions with regard to Connecticut, after referring to their supposed Presbyterian government, he said; "without in the least restraining them in the free exercise of their religion, but insisting with them as with the rest, that all the rest who dissent from them have the like liberty without undergoing any disadvantage with reference to their civil interest, but that they enjoy the same privileges with the rest."

In April, 1664, Nicolls with four ships and three or four hundred men sailed for New England. They arrived in Boston late in July, and in about a month sailed for New Amsterdam where they arrived at the end of August. Gov. Stuyvesant surrendered the entire Province of New Netherland on 8th September, (27th August, O. S.) 1664, to Nicolls.

Some of the conditions of the surrender have already been referred to, relating to the liberty of conscience in Divine worship and Church Discipline which were reserved to the Dutch. They were required to take the oath of allegiance the same as in all the other Provinces.

The inhabitants of New Amsterdam were still almost exclusively Dutch. The city contained some French and some Spanish, but no English families. They did not like the Dutch as neighbors and would not live among them. Thirty years after the surrender we have a report to the Lords of Trade, in 1695, that there were only forty English families in New York city, and many more French.

Col. Nicolls was the acting Deputy Governor of the new province which had been surrendered by the Dutch. The most flourishing part of it was on Long Island where the English settlements had been established. The upper Hudson and the Delaware settlements were thoroughly Dutch, so that the change of government did not affect them. The English on Long Island wished a more definite government modeled after the other colonies. They induced Nicolls to call a convention to submit to the representatives of the people a new form of local government. This convention was called to meet at Hempstead Long Island, in February, 1665. Only the English towns in the entire new province were notified of this convention. There were two delegates allowed from each of the towns on Long Island and two from Westchester. At this convention the code of laws afterwards known as the "Duke's Laws" was unanimously adopted, and on the first day of March, 1665, these were promulgated from Hempstead. Though they nominally applied to all the new province, it was on Long Island and in Westchester that they were made to apply to the daily life of the inhabitants. These superseded the "Blue Laws" of New Haven and Connecticut on Long Island and in Westchester, which up to that time had prevailed there.

Among the other reservations of the Dutch it was agreed "That all inferior civil officers and magistrates, shall continue as they now are, (if they please) till the customary time of new Elections, and then new ones to be chosen by themselves, provided that such new chosen Magistrates shall take the oath of Allegiance to His Majesty of England, before they enter upon their office."

"The town of Manhattans shall choose Deputyes, and those Deputyes shall have free voices in all Public affairs, as much as any other Deputyes."

The four Commissioners reported to the King on May 27th, 1665 of the New England Colonies and New York, that "In these colonies they freely consent that all administration of justice shall be in the King's name; that all householders shall take the oath of allegiance; that church membership shall not be considered in making freemen; that all persons of civil lives shall have liberty of conscience, so that they deny not their shares of maintenance to the public ministers fairly chosen by plurality of votes."

The Duke's laws were compiled from several codes that were then in force in some of the New England Colonies, and were modifications of them in a more or less degree. Among them relating to church and religion we find the following provisions:

"If any person within this government shall by direct exprest, impious or presumptuous ways, deny the true God and his attributes, he shall be put to death."*

No person shall be molested or fined or imprisoned for differing in judgment in matters of religion, who shall profess Christianity.

To prevent scandalous and ignorant pretenders to the ministry from intruding themselves as teachers: No minister shall be admitted to officiate within the government but such as shall produce testimonials to the governor that he hath received ordination either from some Protestant bishop or minister within some part of his Majesties' dominions, or the dominions of any foreign prince of the Reformed Religion, upon which testimony the Governor shall induce the said minister into the parish.

No Indian whatsoever shall at any time be suffered to pow-wow or perform outward worship to the devil in any town within this government."

Punishments for the violation of these laws were left to the discretion of the Court, but they must not be contrary to the known laws

*It was declared that in each parish a church should be built in the most convenient part thereof, to hold two hundred persons, at public expense. Sundays are not to be profaned by travellers, labourers, or vicious persons.

of England. They consisted of corporal punishment, sitting in the stocks, fine and imprisonment, and banishment.*

The Duke's laws prevailed in the Province of New York until 1673, when the Dutch obtained a surrender from the English commander at New York. The Dutch commander was Col. Colve. He made a new charter for the government of New York city, which was again called New Amsterdam. Under the Colve charter in 1674 for New Amsterdam it was provided that "The Schout and magistrates each in his quality shall take care that the Reformed Christian Religion conformable to the Synod of Dort shall be maintained, without suffering any other sects attempting anything contrary thereto." The nominees by the Governor General for "Schout, Burgomasters and Schepens must be of the Reformed Christian Religion or at least well affected towards it."

Before this charter went into operation the English recaptured the city, and therefore the former treaty of 1664 was deemed to be again in force, and the Duke's laws again prevail.

Major Edmund Andros was selected by the Duke in 1674 to act as Governor. He was in favor of the Catholic church and showed himself disaffected towards the status of the Dutch churches which claimed to be protected by the English treaty of 1664.

In 1675 a Dutch clergyman by the name of Van Rensselaer arrived and claimed the manor of Rensselaerwyck, and was recommended to Major Andros by the Duke to fill one of the churches in Albany; probably, says Smith, "to serve the Papist cause". His right to administer the sacraments was denied by Niewenhyt, pastor of the Church at Albany; on the ground that he had received episcopal ordination in England, and had not been approved by the Classis of Amsterdam on which authority the Dutch Churches in the province depended and were authorized. Andros became a very zealous party to this contest. He summoned Niewenhyt before him in New York and so harassed him by frequent fruitless and expensive attendance as to awaken the sympathy of the people and to excite them to retaliation. Van Rensselaer was arrested and imprisoned by the magistrates of Albany for "dubious

*From the time of the enactment of the "Duke's Laws" the Puritan laws and punishments were confined to their church members so far as they were beyond statutory regulation. In these churches they were a law unto themselves and continued to rule with vigor long after their statutory authority had ceased.

words" in a sermon. Andros ordered his release; then commanded the presence of the magistrates at New York; compelled them to give bail to Van Rensselaer's suit for false imprisonment, in the sum of £5000 each. One of them, Leisler, did not comply and was thrown into prison. The popular uprising was so pronounced against the action of the Governor, that dreading an insurrection he released Leisler and withdrew from the controversy. Van Rensselaer's claim to the manor was unsuccessful.

In the report by Gov. Andros to the English Committee on Colonies in 1678, he says that ministers were scarce and religions many. There were about twenty houses for public worship in the province of which about half were vacant. The Duke supported a chaplain at New York which was the only certain endowment of the Church of England. The law made it obligatory upon every district to build churches and provide for their ministers, whose compensation varied from £40 to £70 a year, besides a house and garden. But the Presbyterian and Independents (Congregationalists) which were the greater and more substantial portion of the English inhabitants, only showed much willingness to comply with the law.

New York City in 1678 contained only thirty-five hundred inhabitants.

When Col. Dongan became governor of the province in 1682, the people regarded him with suspicion because he was a "Papist", but his demeanor was such that they soon became reconciled to him. His instructions required him to organize a government on the English plan; to convoke an assembly to consist of twenty-eight members, eighteen of which were to be elected by the freeholders. This body was authorized to make laws conformable to the general jurisprudence of England, and subject to the approbation of the Duke.

One of the first laws that his new Assembly passed was "The charter of Liberties and Privileges to the Inhabitants of New York and its dependencies," on October 30th, 1683, which was assented to by the governor and his Council. Among other things it granted "That no person or persons which profess faith in God by Jesus Christ, shall at any time be any ways molested, punished, disquieted, or called in question for any difference in opinion or matter of religious concernment, who do not actually disturb the civil peace of the province, but that all and every such person or persons may, from time to time, and at all

times freely have and fully enjoy, his or their judgments or consciences in matters of religion throughout all the province, they behaving themselves peaceably and quietly and not using this liberty to licentiousness, nor to the civil injury or outward disturbance of others."

It also provided that the ministers on Long Island, settled by two-thirds of the votes in any town, or by subscription or agreement for a specified sum for the maintenance of a public minister, should be a town charge, and collected the same as other taxes. It also provided that all the Christian Churches in New York city and the other places in the province be confirmed in their privileges and enjoy all their former freedoms of their religions in Divine worship and Church discipline, and that agreements and contracts to maintain the several ministers in said churches could be enforced and collected by warrant from any Justice of the Peace, if under forty shillings, and if over that sum to be collected same as any other debt. That all other Christian Churches that shall hereafter come and settle within the province shall have the same privileges.

This charter was vetoed by the King in March, 1684.

He confirmed specifically all the charters and patents that had been granted by the Dutch to the English settlements on Long Island. Many of these related to the right of local government and the free enjoyment of religious liberty in Church worship.

By a law of the general Assembly in 1683 which was approved by Gov. Dongan and his Council and the King, an oath of allegiance of any and all persons professing Christianity made them naturalized citizens.

It is said that on Dongan's arrival in 1683 the old Dutch church within the walls of the fort in New York was used every Sunday by the representatives of three religious denominations; the Dutch in the morning, the French at noon, the English in the afternoon; while Gov. Dongan and his few fellow worshipers met in a little chapel for Catholic services. There was only one church edifice in New Amsterdam during his administration.

Some of the Puritan inhabitants denounced him as a "wicked popish Governor."

His conduct as a whole was with moderation and regard for the public weal present and future, and has proved more lasting and beneficial than the acts of any other Colonial Governor.

Though a Catholic, he beheld with alarm, and resisted with energy, the intrusion of the French priests among the Five Nations of Indians in the Central and Northern portions of the Province, and when the Duke, influenced by the Court of France, commanded him to desist from thus obstructing the course of Popish conversion, he continued to warn his Indian allies of the fatal effects upon their interests and to their friendship with the English which must flow from the admission of the priests; and still insisted that the French should not treat with the Indians in alliance with the colony without his privity and intervention. He was ordered by the Duke(now James II) to abandon this position. He was removed in 1688.

When the Duke became James II on the death of his brother Charles II in 1685, he held himself absolved from all his obligations as Duke, because the province with its dependencies devolved on the Crown.

The Edict of Nantes, which granted toleration to the subjects of France for nearly one hundred years, was revoked by Louis XIV in 1685. The persecutions that followed in France this revocation drove the Protestant subjects of France into foreign countries. Many of them year after year came to New York. The most opulent settled in the city; others settled New Rochelle in Westchester County in 1689; a few settled at New Paltz, Ulster County. Those in New York city established a church upon the principles and model of that of Geneva. It was served by two ministers.

When James II came to the throne in 1686 he soon gave orders to Gov. Dongan to "suffer no printing press in his government." Much disaffection arose among the colonists on account of the appointment of professed Catholics to the principal crown offices.

It is said that the first Catholic families settled in New York city in 1685 during Gov. Dongan's administration. In 1689 it appears by official records that there was a Catholic chapel in New York city, which had been there for several years, conducted by Father Smith. It was charged that in some cases the ministers of the Dutch and French churches would give a certificate to a Catholic that he was a Protestant

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minister. This was while Dongan was governor of the Province. In 1686 he reported that there were some Catholics and some Jews in the city.

The Jews that had been permitted to settle in New Amsterdam under the Dutch in 1654 were not yet allowed to have a synagogue for public worship. They applied to the city authorities in 1685 for permission to build a place for public worship in New York city, but permission was denied by the city authorities. In April 1678 Gov. Andros reported that there were then some Jews in New York city.

Sir Edmund Andros succeeded Dongan in 1688. His instructions from King James were to give toleration to all Christians, but to encourage the Church of England which was then Catholic. He did nothing of note; the expulsion of King James from the throne of England and placing William and Mary on the throne because they were Protestants and against "Papists" changed the religious situation in the American colonies.

PART IV

AFTER THE ENGLISH PROTESTANT REVOLUTION

AFTER the English Protestant Revolution in 1689 the turbulent times that prevailed in New York city under Leisler caused by the change of the English rulers from Catholic to Protestant need not be recited.

The first Governor after that Revolution was Sloughter, who arrived in New York in March 1691. His instructions contained an order that the English Test act by oath was to be enforced in the Colony of New York. By this all persons holding any civil or military office were required to take the oaths of Allegiance and Supremacy; to publicly receive the sacrament of the Lord's Supper according to the usage of the Church of England and to subscribe a declaration against the Romish doctrine of Transubstantiation. The oath was in this form: "I do solemnly and sincerely in the presence of God, profess, testify and declare that I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the elements of Bread and wine into the Body and Blood of Christ, at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the

Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are used in the Church of Rome, are superstitious and idolatrous."

In May, 1691 the General Assembly enacted a law that any and all persons that professed faith in God by Jesus Christ should be allowed liberty in matters of conscience. But this did not extend to the Roman religion or the right to exercise it contrary to the laws of England. The test oaths and this law were following in the footsteps of the English Toleration law of 1689.

Gov. Fletcher arrived in August 1692. At the close of the session of the General Assembly in the spring of 1693 he made strenuous efforts to introduce a law which was in effect to establish the Episcopal form of Church government in the Province to be supported at the public expense. It was in a plausible form of establishing English preachers and Schoolmasters. It was earnestly opposed by the General Assembly. In September following another Assembly passed a bill for settling ministers in the several parishes and were to elect their ministers. The Council added an amendment that the ministers should be approved by the Governor. The assembly refused to accept this amendment; this so displeased the Governor that he immediately prorogued the Assembly. The people continued firm in their efforts to prevent this, and soon obtained the Governor's consent to a law that provided for the establishment of "good sufficient Protestant ministers to officiate and have the care of souls: in the city of New York one; in the county of Richmond one; in the county of Westchester two; in the county of Queens two;" to be called by the vestrymen and churchwardens of the respective precincts, and paid by a tax upon all the inhabitants like all other local taxes. They were to be levied by the vestrymen and churchwardens who were elective by such inhabitants. It should be observed that it did not extend to the Eastern part of Long Island, which was then the most populous portion of the Province. This law was certainly designed to recognize the Church of England as the church of the province, and to make it a charge upon the people generally, leaving, as in England, the dissenters and non-conformists at liberty to support the ministers of their own choice. It was sent to England for royal approval, it was confirmed by the king in May 1697. The object and effect of this law was not changed by the fifth section of the law of 1705 providing for the preservation of the liberty of conscience granted to other Protestant Christians by the laws of England or of the Colony.

It appears by an official report in 1695 that in the city of New York there were ninety families of the Reformed Protestant Dutch Church; four hundred and fifty families of Dutch Calvinists; thirty families of Dutch Lutherans; two hundred Calvinists; forty English families of dissenters (non-conformists); twenty families of Jews; and twenty families of Dutch Calvinists at Harlem.

In the session of the Assembly of April 1695 the disputes between the Governor and the people were revived. The Assembly asked the Governor's leave to print their minutes by way of an appeal to the public; and by a resolution upon the petition of certain church wardens and vestrymen of the city of New York gave a construction to the law of 1693 widely different from that which the Governor intended which would have its operation confined to Episcopal clergymen—declaring "that the vestrymen and church wardens have power to call a dissenting Protestant minister to be paid and maintained as the act directs." This caused the Governor to dissolve the Assembly at once.

The people adopted the construction of the law as contended by the Assembly.

In June 1696 Gov. Fletcher required the Mayor of New York to give to him a list of the names of all the Catholics in the city. This request was complied with and contained the names of ten men who probably represented as many families.

When the Rev. William Vesey, the first rector of Trinity Church in New York came to the city in 1697, the Reformed Protestant Dutch church on Garden street, being the only church edifice in the city, was offered to him and his congregation for services part of the day until Trinity church was completed. Thus for three months were the services alternated by the Dutch dominie and English rector, one in the English language and the other in Dutch, according to the forms of their respective denominations.

The Earl of Bellomont who came to the Province as Governor in 1698 was more intolerant against Catholics than any of his predecessors. On his arrival he issued a proclamation designating certain persons in the respective towns and counties in the Province who were to administer "the oaths of Test and Association to all of His Majesties' male subjects in the Province sixteen years of age and

upwards." Those that refused to take this oath were regarded with suspicion and were designated non-jurors.

The war between the French and Indians terminated in 1697. The French continued to induce the Indians to favor the French Jesuits in their settlements in the interior of the Province, and to disregard the enticements of the English. In October 1700 the General Assembly passed a law at the instigation of Bellomont, that "all Jesuits, Seminary Priests, missionaries or ecclesiastical persons made or ordained by any power or jurisdiction derived or pretended from the Pope or See of Rome now residing or being within this Province" must depart therefrom on or before the first day of November, 1700. "If any such continue, remain or come into the Province after the first of November he shall be deemed an incendiary, a disturber of the public peace, an enemy of the true Christian Religion, and shall suffer perpetual imprisonment. If any such person being actually committed shall break prison and escape he shall be guilty of felony and if retaken shall die as a felon. Persons receiving, harboring, succoring or concealing any such person and knowing him to be such, shall forfeit the sum of two hundred pounds one half to the King and the other half to the prosecutor,—shall be set in the Pillory three days and find sureties for their good behavior, at the discretion of the Court." They could be seized without warrant on suspicion and brought before a magistrate, and if he find cause he could commit him or them for trial.

In 1701 a law was passed by which "Papists and Popish recusants" were prohibited from voting "for members of Assembly or any office whatever from henceforth and forever."

The Jews were more in favor than were the Catholics at the close of the century. In 1699 Bellomont reports that he called a Jew to appraise the value of some imported jewelry. The next year he reported that he had borrowed money from "one Dutchman and two or three Jews" to pay government expenses. In 1705 Lord Cornbury reported that a Jew kept a warehouse in New York for receiving imported goods. They were not yet allowed to trade with the Indians or with Albany, or the settlements in the colony. They did not have the right to vote for any officers, which right they had had under the Dutch. They were not yet allowed to establish a place for public worship, but they did assemble for worship according to their own forms. A piece

of ground was procured for their burying place in Oliver Street. Some of the monuments there bear the date of 1672. About 1706 a synagogue was erected on Mill street.

When Lord Cornbury was appointed Governor in 1702, in his commission which was from Queen Anne, he was empowered "to collate persons to ecclesiastical benefices." He was a radical English Churchman.

In the summer of 1702 he was driven from New York city by an epidemic disease that prevailed, and retired to Jamaica, Long Island. The pastor of a Presbyterian church there yielded the manse for his Lordship's temporary use. He soon afterwards seized the Presbyterian Church and delivered it to the Episcopal party, and encouraged its agent to farm the glebe for the benefit of the Episcopal church.

He soon after prohibited the Dutch ministers and teachers from exercising their functions without his special license. He was the first Governor that openly disregarded the terms of the treaty with the Dutch that guaranteed to them "the liberty of their consciences in Divine worship and Church Discipline."

There were a few individuals in New York city from New England who were Presbyterians in sentiment, and were in the practice of meeting together in private houses for social worship. In the month of January 1705-6, two Presbyterian ministers, Rev. Francis Makemie and Rev. John Hampton, who had been preaching in different parts of Virginia and Maryland, came to New York. They were informed that they could not preach without permission of Lord Cornbury. Mr. William Jackson invited Makemie to preach in his house on Pearl street, which he did and there baptised a child. During the service the door was not locked. Makemie went over to Newtown, Queens County, and was there arrested by virtue of a warrant from Lord Cornbury and brought to New York city, where he was indicted by the Grand Jury for violating the statute against strolling preachers in the Duke's laws. He was imprisoned to await trial, he having refused to give bail for his appearance. On the trial he admitted the acts charged against him, but contended that they did not make him liable for violation of law, he being a regularly ordained and authorized minister in another colony. He was acquitted by the jury. The court was much incensed at the verdict and ordered Makemie to pay the costs and expense of the

prosecution, which amounted to \$300. An account of his trial, probably written by himself, is in Volume IV of Force's *Tracts*. The sermon for which he was prosecuted was written out by him while in jail, and has been published in *fac-simile* in Vol. 3 of the New York Historical Society's *Collections*.

Hampton was not indicted by the Grand Jury here because his offence was committed in Queens County.

There has been so much written about this Makemie case that it will be pertinent on this occasion to adduce Lord Cornbury's official report of the matter. He says:

"On the 17th January, 1705-6 a man of this town, one Jackson, came to acquaint me that two ministers were come to town; one from Virginia and one from Maryland, and that they desired to know when they might speak with me. I being willing to show what civility I could to men of that character, I ordered my man to tell Jackson that they should be welcome to come and dine with me. They came, and then I found by the answers they gave to the questions I asked them, that one, whose name is Francis Mackemie is a Presbyterian preacher settled in Virginia. The other, whose name is John Hampton, is a young Presbyterian minister lately came to settle in Maryland. They dined with me and talked of indifferent things. They pretended they were going towards Boston. They did not say one syllable to me of preaching here nor did they ask leave to do it. They applied themselves thro' the Dutch minister for leave to preach in the Dutch church in this town, who told them he was very willing, provided they could get my consent. They never came to me for it. They went likewise to the Elders of the French church to desire leave to preach in the French church; they gave them the same answer the Dutch had. All this while they never applied themselves to me for leave, nor did they offer to qualify themselves as the law directs. On the following Monday I was informed that Mackemie had preached on the day before at the house of one Jackson, a shoemaker in this town, and that Hampton had preached on Long Island, and that Mackemie after having preached here on Sunday was gone to Long Island with intent to preach in all the towns in that Island, having spread a report thereto." He then proceeds and says: "That only those persons who dissent from the Church of England should be at liberty to serve God in their own way, in the

several places of their abode, without being liable to the penalties of certain laws."

Governor Lovelace in 1708 granted a patent for land for a settlement in Orange county, to nine persons who were driven from the Rhenish Palatinate by the persecutions that followed the revocation of the edict of Nantes. They were Lutherans and with their families settled and founded Newburgh.

Governor Hunter arrived in 1710. He was a native of Scotland and brought with him three thousand Palatinates who in the previous year had fled to England. They too were Lutherans and were transported here at the expense of the English government. This was the largest body of colonists that ever arrived on this continent at one time. They were not received well in New York city. Being more suitable for land cultivation many of them were sent to the interior of New York along the Mohawk valley, and at Germantown, Columbia County, and some went to Pennsylvania.

By the termination of the French and English war in 1697, the Indians were forced to adhere to the English and not to allow French priests among them. Some Protestant pastors whom Lord Bellomont proposed to establish among them in 1698 seem to have been delayed until 1712, when one Andrews was sent by the English Society for Propagating the Gospel. The Indians received him kindly but forbade his teaching the English language to their children. After exercising his office among them in the Indian tongue for several years he was universally forsaken by his auditors and scholars and closed a fruitless mission in 1718.

The several rectors of the Episcopal churches in the Province were earnest in their endeavor to have that Church fully established in all parts of the Province. There was no hope in the General Assembly as that was elected by the people. An appeal was made to Gov. Hunter in 1711 by the nine incumbents within the Province in the following words:

"The establishment of the Church here by Act of Assembly being so precarious and liable to so many inconveniences, we beg your Excellency to advise us whether it may be proper for us to address Her Majesty to settle it on a surer foundation, not only in such places where

it is in some manner planted but in other places where the benefit of the Act has not yet extended." It does not appear that any action was taken on this petition. It was deemed fruitless by the Governor. There was then only one member of the twenty-seven members that composed the General Assembly that belonged to the Episcopal Church.

In 1712 the General Assembly passed a law for the naturalization of all Protestants. Gov. Hunter vetoed it. In his report to the Lords of Trade he said: "The house of representatives passed and sent up a bill for the naturalization of all foreigners being Protestants, which has also passed the Council, but an act of the like nature being so lately repealed in England, and their behavior here entitling them to no such favor from the Crown at present I judged it advisable and for Her Majesty's service to refuse my assent to it at this time."

In 1728 a royal commission was issued to the Bishop of London conferring on him spiritual and ecclesiastical jurisdiction in all the plantations in America. The efforts to make the Church of England the established church in New York was steadily pressed, but it was as steadily and very successfully resisted.

In the session of 1734 the Quakers were allowed to obtain the exemption from oaths granted to the sects in Great Britain.

An important event occurred in the legislative Assembly in 1738. In that year on a contested election for member from New York city official exception was taken against Jewish voters. William Smith, afterwards Chief Justice and the historian of the Colony, succeeded in inflaming the religious feeling of the Assembly to such a degree as to induce them to reject the votes of Jews upon the broad ground of the impolicy of Jewish interposition in the legislation of a Christian Community.

In the excitement about the Negro plot to burn New York city in 1741, an Episcopal clergyman, named Ury, who lived by teaching, was arrested as the chief conspirator, and also for being a Catholic priest remaining in the Province in violation of Bellomont's law of 1700. The second charge was made to increase prejudice against him. He had refused to take the test oath. The evidence was very weak—none at all as to the plot. He was convicted by the jury and hanged in August. He was the only white man that was tried for being concerned in the

plot. It was claimed to have been the work of Catholics to burn the city.

The influence of the French over the Indians about 1748 began to wane, because the former were so earnest in their efforts to convert the latter to the Catholic faith. The Indians fancied and were led to believe that the religious ceremonies were arts to reduce them to slavery.

The Assembly of 1754 was under the influence of Lieut. Governor James Delancey who was an ardent "Churchman." He gave his influence to an act incorporating King's college in New York city, by which all persons were excluded from the Presidential chair unless in communion with the Church of England; The Book of Common Prayer was to be used for the religious services. His success in being elected a member of the Assembly in 1769 was regarded as a triumph of the Episcopalians over the Presbyterians. He was a loyalist in the Revolution and was attainted by the New York Legislature.

When the Acadians were expelled from Nova Scotia by the English in 1755 because being Catholics it was feared they would take up arms with the French against the English, two hundred of them came to New York in that year. When they landed says Shea, "they were treated no better than those that were in New England." The adults were forced to labor and the children were bound out to service in Protestant families in the Province. One hundred and nine children were thus scattered through Orange and Westchester Counties.

In 1757 a party of them who had been living in Westchester county made their escape and attempted to reach Crown Point, but were captured near Fort Edward. A considerable number of Acadians were at one time quartered in a house at Brooklyn near the ferry. On the slightest pretext they were arrested, and at one time by general order throughout the Province were committed to the county jails. As Bellomont's law of 1700 only applied to Catholic priests it was difficult to apply any law to the laity. Even as late as 1764 Lieut. Gov. Colden would not allow the Spanish Governor of Martinique to remove one hundred and fifty children from New York.

When the "Sons of Liberty" met in New York city to show their opposition to English rule preliminary to the Revolutionary war they had inscribed on their banner "No Popery." A large part of the people

regarded the Episcopal Church with its daily prayers for the King of England as little better than Popery.

PART V

UNDER THE STATE

THE turbulent period in the Colony a few years previous to the declaration of Independence, is responsible for the apparent quietude and peace in the religious community. The Church of England, the Episcopal Church, was regarded as in favor of the King. This made it unpopular in the province.

While the city of New York was under British military authority, (from August 1776 until Nov. 1783,) the laws of England relating to religious liberty were enforced there. Catholics were not allowed to hold religious services according to the forms of the Catholic Church.

In February, 1778, a large French ship was taken by the British and sent into New York for condemnation. Among her officers was a Catholic priest as chaplain. He with other officers was permitted to go at large in the city within certain limits. He applied to the British commandant for permission to hold religious services on a Sabbath according to the forms of the Catholic Church. Permission being refused he proceeded to quietly hold the services. For this he was arrested and kept in close confinement until he was exchanged.

In August, 1776, the Provincial Convention of New York appointed a committee of its members to report a constitution for the State. The draft of it was reported to the Convention on the 12th March following, and on the 20th April 1777 it was adopted by the Convention. It was not submitted to the people for approval or adoption. They lived under it for nearly half a century. The 38th Article provided "That the free exercise and enjoyment of religious profession and worship without discrimination or preference, shall forever hereafter be allowed within this State to all mankind: Provided, that the liberty of conscience hereby granted shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of this State."

The 38th Article declared: "And, whereas, the ministers of the gospel are, by their profession, dedicated to the service of God and the

cure of souls, and ought not to be diverted from the great duties of their function; Therefore, no minister of the gospel, or priest of any denomination whatsoever, shall, or at any time hereafter under any pretence or description whatever, be eligible to or capable of holding any civil or military office or place within this State."

This last provision was retained until the Constitution of 1821 omitted it. The former provision still continues in full force and effect to this time.

The provisions in the Constitution of 1777 were not regarded as repealing all statutes and laws that had theretofore been enacted that would in any manner conflict with them. The law of 1700 was repeated by the state legislature in 1781. The naturalization oath was required of Catholic priests until 1806 when it was abrogated.

It should be observed that all the laws of the Colony granting religious privileges to any sect were restricted by limitation to the "Christian Religion." This restriction of religious liberty prevailed in every Colony in America except Rhode Island. There, a Jew, Mahometan, wild Indian, or Pagan could exercise his religious conscience, so long as it was conducted in a peaceful and orderly manner.

The constitutional provision in New York, "That no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief," was inserted in the constitution of 1846. It was caused by judicial decisions under the former constitutions holding that in some cases religious belief would make a person incompetent to testify as a witness.

Local taxes have ceased to be imposed by law for the support of any minister or construction of a church. They must be supported by voluntary contributions only. They are exempt from taxation, however. The legislature in some cases made appropriations of funds to help support sectarian schools, but the constitution of 1894 prohibits it now.

If persecutions on account of religious belief take place among us it is against law and contrary to public policy. But religious prejudices will continue to be exercised among us as long as there are varieties of religious beliefs and human nature continues in its various moods and caprices to which flesh and blood is heir to. This our observation and experience tells us. Legislation may restrain and repress and guide human nature but cannot abolish it.

NEW YORK

ROCELLUS S. GUERNSEY

END



INDIAN LEGENDS

XVIII

GREEN-CORN CEREMONIES OF THE CHEROKEES

MY main object in the present paper is to record a complete account of the ceremonies which were once practised by the Cherokee Indians, in connection with their principal agricultural pursuit of raising maize or Indian corn. For the great majority of my facts I am indebted to Mr. Preston Starritt, of Tennessee. While this is the case however, I beg my readers to understand that I shall speak of the tribe in question as it existed in the times of old, when its members were the sole proprietors of the southern Alleghanies. Let us, then, banish from our minds the unhappy relations which brood over the Cherokees at the present time*, and, by the aid of our fancy, mingle with the nation as it existed in its pristine glory.

The snows of winter have melted from the mountain peaks, the rains are over and gone, the frosts are out of the ground, and the voice of the turtle is heard in the land. The beautiful valley to which we have journeyed is entirely surrounded with mountains, about five miles square, watered by a charming stream, and inhabited by two thousand aborigines, who are divided into seven clans, and located in seven villages. The ruling men of the tribe have signified to their people that the period for planting corn has arrived, and that they must gather themselves together for the purpose of submitting to the annual ceremonies of purification. For doing this they have a double object; they would, in the first place, expunge from their bodies every vestige of all the colds and diseases with which they may have been afflicted during the past winter; and, in the second place, they would propitiate the Great Spirit, so as to secure his blessing upon the crops which they are about to deposit in the ground. The moon being now at its full, and a fitting location having been selected, the chiefs and magicians congregate together, and the preliminary measures are thus managed. A magic circle is made to keep out all evil spirits and enemies, and the medicine men then proceed to walk in single file, and with measured steps, completely around the spot which they would render sacred, and

* Referring to the then impending removal of the Cherokees from Georgia.

which is generally half a mile in diameter, marking their route by plucking a single leaf from every tree or bush which they may happen to pass, all these leaves being carefully deposited in a pouch carried for the purpose. In the mean time, the brotherhood of chiefs have not been unemployed, for while the most aged individual of all has been making a collection of roots, the remainder have built a rude dam, and thereby formed a pond or pool of water on the creek which invariably waters the sacred enclosure. The entire population of the valley are now summoned to the outskirts of the sacred enclosure, and a general invitation extended to all to approach and join the chiefs and magicians in the rite they are about to perform; it being understood, however, that no man, under penalty of death, shall venture to participate, who has left a single wrong unrevenged, or committed any unmanly deed, and no woman who has given birth to a child since the preceding full moon. In the centre of the sacred ground, and in the vicinity of the pool, a large fire is now made, around which the multitude are congregated. The night is clear, and the moon and stars are flooding the earth with light. An earthen pot is now placed upon the fire, the roots gathered by the old chief, numbering seven varieties, are placed therein, also the leaves plucked by the magicians, when the pot is filled with water by seven virgins, who are promoted to this honor by the appointment of the senior chief. After the contents of the pot have been thoroughly boiled, and a most bitter but medicinal beverage been made, all the persons present are called upon to take seven sips of the bitter liquid, and then directed to bathe no less than seven times in the neighboring pool, the waters of which have been rendered sacred by the incantations of the priests. All these things being done, the multitude assemble around the fire once more, and, to the music of a strange wild singing, they dance until the break of day, and then disperse to their several homes. The friendship of the Great Spirit has now been secured, and therefore, as opportunity offers, the Indians proceed to loosen their ground, as best they may, and then plant their corn. This labor is performed chiefly by the women, and the planted fields are considered as under their especial charge. Though planted in the greatest disorder, they keep their cornfields entirely free of weeds, and the soil immediately around the corn in a loose condition. At every full moon they are commonly apprehensive that some calamity may befall their crop, and, by way of keeping the Great Spirit on their side, the women have a custom of

disrobing themselves, at the dead hour of night, and of walking entirely around the field of corn.

And now that the sunshine and showers of summer are performing their ministry of good in bringing the corn to its wonted perfection, it may be well to make the reader acquainted with the following facts: As the Indians purify themselves and perform all their religious rites only when the moon is at its full, so do they refrain from plucking a single ear of corn until they have partaken of their annual harvest or green-corn feast. This feast occurs on that night of the full moon nearest to the period when the corn becomes ripe; and, by a time-honored law of the nation, no man, woman, or child is ever permitted, under penalty of death, to pluck a single roasting-ear. So rigidly enforced is this law that many Cherokees are known to have lost their lives for disobeying it, while many families have suffered the pangs of hunger for many days, even while their fields were filled with corn, merely because the harvest moon had not yet arrived, and they had not partaken of their annual feast. If a full moon should occur only one week after the corn has become suitable to pluck the Indians will not touch a single ear until the next moon, even if it should then be so hard as to require pounding before becoming suitable for food. During the ripening period the cornfields are watched with jealous care, and the first stalk that throws out its silken plume is designated by a distinguishing mark. In assigning reasons for this peculiar care, the Indians allege that until the harvest feast has taken place the corn is exclusively the property of the Great Spirit, and that they are only its appointed guardians; and they also maintain that, when the corn is plucked before the appointed moon has arrived, the field which has thus been trespassed upon is sure to be prostrated by a storm or be afflicted with the rot; and therefore it is that they are always greatly alarmed when they discover that a cornfield has been touched, as they say, by the Evil One.

But the harvest moon is now near at hand, and the chiefs and medicine men have summoned the people of the several villages to prepare themselves for the autumnal festival. Another spot of ground is selected, and the same sanctifying ceremony is performed that was performed in the previous spring. The most expert hunter in each village has been commissioned to obtain game, and while he is engaged in the hunt the people of his village are securing the blessing of the Great Spirit by drinking, with many mystic ceremonies, the liquid made from

seven of the most bitter roots to be found among the mountains. Of all the game which may be obtained by the hunters, not a single animal is to be served up at the feast whose bones have been broken or mutilated; nor shall a rejected animal be brought within the magic circle, but shall be given to those of the tribe who, by some misdeed, have rendered themselves unworthy to partake of the feast. The hunters are always compelled to return from the chase at the sunset hour, and long before they come in sight of their villages they invariably give a shrill whistle, as a signal of good luck, whereupon the villagers make ready to receive them with a wild song of welcome and rejoicing.

The pall of night has once more settled upon the earth, the moon is in its glory, the watch-fire has been lighted within the magic circle, and the inhabitants of the valley are again assembled together in one great multitude. From all the cornfields in the valley the magicians have collected the marked ears of corn, and deposited them in the kettles with the various kinds of game which may have been slaughtered, from the bear, the deer, and the turkey, to the opossum, the squirrel, and the quail. The entire night is devoted to eating, and the feast comes not to an end until all the food has been dispatched, when, in answer to an appropriate signal from the medicine men, the bones which have been stripped of their flesh are collected together and pounded to a kind of powder, and scattered through the air. The seven days following this feast are devoted to dancing and carousing, and at the termination of this period the inhabitants of the valley retire to their various villages and proceed to gather in their crops of the sweet maize or Indian corn.

XIX

THE CATAWBA COUNTRY OF NORTH CAROLINA

I NOW write from a log cabin situated on the Catawba river, and in one of the most beautiful of valleys. My ride from Asheville to Burnsville, a distance of over forty miles, was unattended by a single interesting incident, and afforded only one mountain prospect that caused me to rein in my horse. But the prospect alluded to embraced the entire outline of Bald Mountain, which, being one of the loftiest in this section of country, and particularly barren, presented a magnificent appearance. On the extreme summit of this mountain is a very large and an intensely cold spring of water, and in its immediate vicinity a

small cave and the ruins of a log cabin, which are associated with a singular being named David Greer, who once made this upper world his home. He first appeared in this country about fifty years ago; his native land, the story of his birth, and his early history, were alike unknown. Soon after his arrival among the mountains, he fell desperately in love with the daughter of a farmer, but his suit was rejected by the maiden, and strenuously opposed by all her friends. Soon after this disappointment the lover suddenly disappeared, and was subsequently found residing on Bald Mountain in the cave already mentioned. Here he lived the life of a literary recluse, and is said to have written a singular work upon religion, and another which purported to be a treatise on human government. In the latter production he proclaimed himself the sole proprietor of Bald Mountain, and made it known to the world that all who should ever become his neighbors must submit to the laws he had himself enacted. The prominent actions of his life were "few and far between," but particularly infamous. The first that brought him into notice was as follows: A few years after it was ascertained that he had taken possession of this mountain, the authorities of the country sent a messenger to Greer, and demanded a poll-tax of seventy-five cents. The hermit said he would attend to it on the next court-day, and his word was accepted. On the day in question, Greer punctually made his appearance, but, instead of paying over the money, he pelted the windows of the court-house with stones, and drove the judges, lawyers, and clients all out of the village, and then, with a rifle in hand, returned to his mountain dwelling. For some months after this event he amused himself by mutilating all the cattle which he happened to discover on what he called his domain, and it is said was in the habit of trying the power of his rifle by shooting down upon the plantations of his neighbors. The crowning event of David Greer's life, however, consisted in his shooting to the ground in cold blood, and in the broad daylight, a man named Higgins. The only excuse that he offered for committing this murder was that the deceased had been found hunting for deer on that portion of land which he claimed as his own. For this offence Greer was brought to trial and acquitted on the ground of insanity. When this decision was made known, the criminal was greatly enraged, and, when released, started for his cabin, muttering loud and deep curses against the *injustice* of the laws. In process of time a number of attempts were made to take his life, and it was a common occurrence with him to be awak-

ened at midnight by a ball passing through the door of his cabin. After living upon the mountain for a period of twenty years, he finally concluded to abandon his solitary life, and took up his abode in one of the settlements on the Tennessee side of Bald Mountain. Here, for a year or two, he worked regularly in an iron forge, but having had a dispute with a fellow-workman, swore that he would shoot him within five hours, and started after his rifle. The offending party was named Tompkins, and after consulting with his friends as to what course he ought to pursue, in view of the uttered threat, he was advised to take the law in his own hands. He took this advice, and, as David Greer was discovered walking along the road with rifle in hand, Tompkins shot him through the heart, and the burial-place of the hermit is now unknown. Public opinion was on the side of Tompkins, and he was never summoned to account for the defensive murder he had committed.

In coming from Burnsville to this place, I enjoyed two mountain landscapes, which were supremely beautiful and imposing. The first was a northern view of Black Mountain from the margin of the South Toe river, and all its cliffs, defiles, ravines, and peaks seemed as light, dreamlike, and airy as the clear blue world in which they floated. The stupendous pile appeared to have risen from the earth with all its glories in their prime, as if to join the newly-risen sun in its passage across the heavens. The middle distance of the landscape was composed of two wood-crowned hills which stood before me like a pair of loving brothers, and then came a luxuriant meadow, where a noble horse was quietly cropping his food; while the immediate foreground of the picture consisted of a marvellously beautiful stream, which glided swiftly by, over a bed of golden and scarlet pebbles. The only sounds that fell upon my ear, as I gazed upon this scene, were the murmurings of a distant water-fall, and the hum of insect wings.

The other prospect that I witnessed was from the summit of the Blue Ridge, looking in the direction of the Catawba. It was a wilderness of mountains, whose foundations could not be fathomed by the eye, while in the distance, towering above all the peaks, rose the singular and fantastic form of the *Table Mountain*. Not a sign of the breathing human world could be seen in any direction, and the only living creature which appeared to my view was a solitary eagle, wheeling to and fro far up towards the zenith of the sky.

From the top of the Blue Ridge I descended a winding ravine four miles in length, where the road, even at mid-day, is in a deep shadow, and then I emerged into the North Cove. This charming valley is twelve miles long, from a half to a whole mile in width, completely surrounded with mountains, highly cultivated, watered by the Catawba, and inhabited by intelligent and worthy farmers. At a certain house where I tarried to dine on my way up the valley, I was treated in a manner that would have put to the blush people of far greater pretensions; and what made a deep impression on my mind, was the fact that I was waited upon by two sisters, about ten years of age, who were remarkably beautiful and sprightly. One of them had flaxen hair and blue eyes, and the other deep black hair and eyes. Familiar as I had been for weeks past with the puny and ungainly inhabitants of the mountain tops, these two human flowers filled my heart with a delightful sensation. May the lives of those two darlings be as peaceful and beautiful as the stream upon which they live! The prominent pictorial feature of the North Cove is of a mountain called the *Hawk's Bill*, on account of its resemblance to the beak of a mammoth bird, the length of the bill being about fifteen hundred feet. It is visible from every part of the valley, and to my fancy is a more *picturesque* object than the Table Mountain, which is too regular at the sides and top to satisfy the eye. The table part of this mountain, however, is twenty-five hundred feet high, and therefore worthy of its fame.

The cabin where I am stopping at the present time is located at the extreme upper end of the North Cove. It is the residence of the best guide in the country, and the most convenient lodging place for those who would visit the Hawk's Bill and Table Mountains, already mentioned, as well as the Lindville Pinnacle, the Catawba Cave, the Cake Mountain, the Lindville Falls, and the Roan Mountain.

The *Lindville Pinnacle* is a mountain peak, surmounted by a pile of rocks, upon which you may recline at your ease, and look down upon a complete series of rare and gorgeous scenes. On one side is a precipice which seems to descend to the very bowels of the earth; in another direction you have a full view of *Short-off Mountain*, only about a mile off, which is a perpendicular precipice several thousand feet high, and the abrupt termination of a long range of mountains in another direction still the eye falls upon a brotherhood of mountain peaks which are particularly ragged and fantastic in their formation—now shooting

forward, as if to look down into the valleys, and now looming to the sky, as if to pierce it with their pointed summits; and in another direction you look across what seems to be a valley from eighty to a hundred miles wide, which is bounded by a range of mountains that seem to sweep across the world as with triumphal march.

The *Catawba Cave*, situated on the Catawba river, is entered by a fissure near the base of a mountain, and is reputed to be one mile in length. It has a great variety of chambers, which vary in height from six to twenty feet; its walls are chiefly composed of a porous limestone, through which the water is continually dripping; and along the entire length flows a cold and clear stream, which varies from five to fifteen inches in depth. The cave is indeed a curious affair, though the trouble and fatigue attending a thorough exploration far outweigh the satisfaction which it affords. But there is one arm of the cave which has never been explored, and an admirable opportunity is therefore offered for the adventurous to make themselves famous by revealing some of the hidden wonders of nature.

The *Ginger Cake Mountain* derives its very poetical name from a singular pile of rocks occupying its extreme summit. The pile is composed of two masses of rock of different materials and form, which are so arranged as to stand on a remarkably small base. The lower section is composed of a rough slate stone, and its form is that of an inverted pyramid; but the upper section of the pile consists of an oblong slab of solid granite, which surmounts the lower section in a horizontal position, presenting the appearance of a work of art. The lower section is thirty feet in altitude, while the upper one is thirty-two feet in length, eighteen in breadth, and nearly two feet in thickness. The appearance of this rocky wonder is exceedingly tottering, and though we may be assured that it has stood upon that eminence perhaps for a thousand years, yet it is impossible to tarry within its shadow without a feeling of insecurity. The individual who gave the Ginger Cake Mountain its outlandish name was a hermit named Watson, who resided at the foot of the mountain about fifty years ago, but who died in 1816. He lived in a small cabin, and entirely alone. His history was a mystery to every one but himself, and, though remarkably eccentric he was noted for his amiability. He had given up the world, like his brother hermit of the Bald Mountain, on account of a disappointment in love, and the utter contempt which he ever afterwards manifested for the gentler

sex, was one of his most singular traits of character. Whenever a party of ladies paid him a visit, which was frequently the case, he invariably treated them politely, but would never *speak* to them; he even went so far in expressing his dislike as to consume for firewood, after the ladies were gone, the topmost rail of his yard-fence, over which they had been compelled to pass, on their way into his cabin. That old Watson "fared sumptuously every day" could not be denied, but whence came the money that supported him no one could divine. He seldom molested the wild animals of the mountain where he lived, and his chief employments seemed to be *the raising of peacocks*, and the making of garments for his own use, which were all elegantly trimmed off with feathers of his favorite bird. The feathery suit in which he kept himself constantly arrayed he designated as his *culgee*; the meaning of which word could never be ascertained; and long after the deluded being had passed away from among the living, he was spoken of as Culgee Watson, and is so remembered to this day.

I come now to speak of the *Lindville Falls*, which are situated on the Lindville river, a tributary of the beautiful Catawba. They are literally embosomed among mountains, and long before seeing them do you hear their musical roar. The scenery about them is as wild as it was a hundred years ago—not even a pathway has yet been made to guide the tourist into the stupendous gorge where they reign supreme. At the point in question the Lindville is about one hundred and fifty feet broad, and though its waters have come down their parent mountains at a most furious speed, they here make a more desperate plunge than they ever dared to attempt before, when they find themselves in a deep pool and suddenly hemmed in by a barrier of gray granite, which crosses the entire bed of the river. In their desperation, however, they finally work a passage through the solid rock, and after filling another hollow with foam, they make a desperate leap of at least one hundred feet, and find a resting place in an immense pool, which one might easily imagine to be bottomless. And then, as if attracted by the astonishing feats performed by the waters, a number of lofty and exceedingly fantastic cliffs have gathered themselves together in the immediate neighborhood, and are ever peering over each other's shoulders into the depths below. But as the eye wanders from the surrounding cliffs, it falls upon an isolated column several hundred feet high, around which are clustered in the greatest profusion the most beautiful of vines and flowers. This column occupies a conspicuous position a short dis-

tance below the Falls, and it were an easy matter to imagine it a monument erected by Nature to celebrate her own creative power.

With a liberal hand, indeed, has she planted her forest trees in every imaginable place; but with a view of even surpassing herself, she has filled the gorge with a variety of caverns, which astonish the beholder, and almost cause him to dread an attack from a brotherhood of spirits. But how futile is my effort to give an adequate idea of the Lindville Falls and their surrounding attractions! When I attempted to sketch them I threw away my pencil in despair; and I now feel that I should be doing my a pen a kindness, if I were to consume what I have written. I will give this paragraph to the world, however, trusting that those who may hereafter visit the Lindville Falls, will award to me a little credit for my *will* if not for my *deed*.

To be in keeping with my wayward wanderings in this Alpine wilderness, it now becomes my duty to speak of the *Roan Mountain* and the *Grand Father*. By actual measurement the former is only seventy feet lower than the Black Mountain, and consequently measures well nigh to seven thousand feet. It derives its name from the circumstance that it is often covered with snow, and at such times is of a roan color. It lies in the States of North Carolina and Tennessee, and has three prominent peaks, which are all entirely destitute of trees. The highest of them has a clearing containing several thousand acres, and the cattle and horses of the surrounding farmers resort to it in immense numbers, for the purpose of feeding upon the fine and luxuriant grass which grows there in great abundance. The ascent to the top of this peak is gradual from all directions except one; but on the north it is quite perpendicular, and to one standing near the brow of the mighty cliff the scene is exceedingly imposing and fearful. That it commands an uninterrupted view of what appears to be the entire world, may be readily imagined. When I was there I observed no less than three thunder storms performing their uproarious feats in three several valleys, while the remaining portions of the lower world were enjoying a deep blue atmosphere. In visiting Roan Mountain you have to travel on horseback, and, by starting at the break of day, you may spend two hours on the highest peak, and be home again on the same evening about the sunset hour.

In accounting for the baldness which characterizes the Roan Mountain, the Catawba Indians relate the following tradition: There

was once a time when all the nations of the earth were at war with the Catawbias, and had proclaimed their determination to conquer and possess their country. On hearing this intelligence the Catawbias became greatly enraged, and sent a challenge to all their enemies, and dared them to a fight on the summit of the Roan. The challenge was accepted, and no less than three famous battles were fought—the stream of the entire land were red with blood, a number of tribes became extinct, and the Catawbias carried the day. Whereupon it was that the Great Spirit caused the forests to wither from the three peaks of the Roan Mountain where the battles were fought; and wherefore it is that the flowers which grow upon this mountain are chiefly of a crimson hue, for they are nourished by the blood of the slain.

One of the finest views from the Roan Mountain is that of the Grand Father, which is said to be altogether the wildest and most fantastic mountain in the whole Alleghany range. It is reputed to be 5,600 feet high, and particularly famous for its black bears and other large game. Its principal human inhabitants, par excellence, for the last twenty years, have been a man named *Jim Riddle*, and his loving spouse, whose cabin was near its summit. A more successful hunter than Jim never scaled a precipice; and the stories related of him would fill a volume. One of them that I now remember, is briefly as follows:—

He was out upon a hunting expedition, and having come to one of his bear traps, (made of logs, weighing about a thousand pounds, and set with a kind of figure four,) the bait of which happened to be misplaced, he thoughtlessly laid down his gun, and went under the trap to arrange the bait. In doing this, he handled the bait hook a little too roughly, and was consequently caught in the place of a bear. He chanced to have a small hatchet in his belt, with which, under every disadvantage, he succeeded in cutting his way out. He was one day and one night in doing this, however, and his narrow escape caused him to abandon the habit of swearing, and become a religious man.

To the comprehension of Jim Riddle, the Grand Father was the highest mountain in the world. He used to say that he had read of the Andes, but did not believe that they were half as high as the mountain on which he lived. His reason for this opinion was, that when a man stood on the top of the Grand Father, it was perfectly obvious that "*all the other mountains in the world lay rolling from it, even to the sky.*"

Jim Riddle is said to have been a remarkably certain marksman; and one of his favorite pastimes, in the winter, was to shoot at snowballs. On these occasions, his loving wife, Betsey, was always by his side, to laugh at him when he missed his mark, and to applaud when successful. And it is reported of them, that they were sometimes in the habit of spending entire days in this *elevated* recreation. But enough; Jim Riddle is now an altered man. His cabin has long since been abandoned, and he has become a travelling preacher, and is universally respected for his amiability, and matter-of-fact intelligence.

In a valley lying between the Roan and Grand Father mountains, I first heard the Mocking Bird singing at night. He awakened me out of a deep sleep, while perched upon a tree overhanging the cabin where I was spending the night. His lower notes were sweeter than any instrument I ever heard, but inexpressibly mournful, and as unlike the singing of a caged bird as possible. I was told that they were found in great numbers among the Alleghanies, and that when the hunters hear them sing at night, they know that the moon is about to rise, and therefore prepare for their nocturnal expeditions after game. This charming bird is universally beloved by the inhabitants of this region, and I never see it in its native wood, without being reminded of that most gifted of human minstrels, who penned the words, so appropriate to the Mocking Bird,—“Hope of the wilderness—joy of the free.”

CHARLES LANMAN

THE "LINCOLN WAY" INVESTIGATION IN ILLINOIS.

NOTE—The following is an abridgment of a report recently made to the Illinois legislature. In that report the evidence on which conclusions have been reached has been included in an appendix. Of the fourteen kinds of sources drawn on in making the investigation, two alone have involved an examination of 15,000 manuscripts and 10,500 newspapers.

THE expression "Lincoln Way" properly applies to the route traveled by the Lincolns in removing from Kentucky to Indiana in 1816, and from Indiana to Illinois in 1830. Similar expressions such as "Lincoln Highway" and "Lincoln Trail" are used to designate the several ocean-to-ocean highways now projected across these states. There is, however, no connection between these highways and the "Lincoln Way". Its location depends wholly on the route traveled by the Lincolns, and not, as in the case of the highways, on an arbitrary agreement among the makers and drivers of automobiles. The "Way" project had its inception in a desire of the people to build a memorial to Mr. Lincoln and the early pioneers of whom he was a type. The highway agitation, on the other hand, is the result of demands for more and better automobile roads.

This investigation has been conducted by authority of the Illinois legislature, which in 1911 declared in a joint resolution that "it is the sense of the people of Illinois that a fitting and permanent memorial to the memory of the great emancipator would be the consecration and dedication of the route that he traveled from the place of his birth in Kentucky, through Indiana, and thence to (the Lincoln farm in Macon county, Illinois) to be known forever as the "Lincoln Way". Obviously the investigation has been confined to Illinois, and any reference to the location of the "Way" in Kentucky or Indiana is merely incidental and necessarily based on conjectures.

In determining even approximately the location of the "Way" in Illinois several assumptions have been made. It has been assumed, in the absence of proof to the contrary, that the Lincolns traveled by the most direct routes between the points known positively to have been reached by them. It has also been assumed that the accounts of the journey given by the members of the party are correct unless positively

disproved. Without these assumptions the investigation would have been impossible, and the conclusions reached would be of little or no value.

There is some doubt as to the exact number of persons in the Lincoln party when it journeyed from Indiana to Illinois in 1830. Mrs. Harriet Chapman of Charleston, Illinois, who appears to be the only surviving member of the party, says that it was composed of thirteen persons, belonging to three closely related families. One of these families, the Lincolns, comprised Thomas Lincoln, his wife, Sarah Bush Johnston Lincoln, his only living child, Abraham, who was then in his twenty-second year, and his step-son, John D. Johnston. The heads of the other two families were Dennis Hanks and Squire Hall, both of whom had married daughters of the second Mrs. Lincoln. Of the Hanks's there were Dennis, his wife Sarah Elizabeth Johnston Hanks, and their four children, John, Harriet (Mrs. Augustus H. Chapman), Sarah Jane (Mrs. Thomas Dowling), and Nancy (Mrs. James Shoaff). Squire Hall, his wife Matilda Johnston Hall, and their son John made up the remainder of the party.

There is also a sharp difference of opinion as to the manner and methods of the Lincolns' travels. Concerning these even the members of the party have disagreed. Some have said that the entire party had but one wagon, others two, and yet others three. It is certain however, that the motive power was oxen or horses and oxen, and that the wagon or wagons drawn by them were large and strong though crudely built.

About March 1, 1830, the Lincolns left Gentryville, Spencer County, Indiana, to seek a new home in the fertile Sangamon country in Illinois. There they expected to join a relative, John Hanks, who had emigrated to that section a year or two before. The air-line distance between these two points was approximately one hundred and seventy-five miles, but the *détours* necessary in following roads and trails lengthened the actual distance traveled to something like two hundred and twenty-five miles. Leaving Gentryville they went in a northwesterly direction to Vincennes, Indiana, where they crossed the Wabash River by ferry into Illinois.

The "Way" in Illinois extends from a point on the Illinois bank of the Wabash River opposite Vincennes, to the Lincoln farm near Decatur in Macon County. It lies in what were in 1830, the counties of Law-

rence, Crawford, Clark, Shelby and Macon. These five counties had an area of more than five thousand square miles, and contained less than fifteen thousand inhabitants. In this entire area there were few settlements of any importance, no well-improved wagon roads, not one river bridge, and but four ferries. Even the National Road in Illinois had not yet been built, and its route lay in an unbroken wilderness. Along its entire distance of ninety miles from Vandalia, then the capital of Illinois, to the Indiana state line west of Terre Haute, there was but one inhabited cabin. Remnants of Indian tribes hunted up and down the rivers; many of the settlers merely squatted on the public domain, and the people gave more attention to hunting and fishing than to farming and trade. Viewed from any angle, eastern Illinois was at the time typically pioneer.

The greater part of the journey through this section was necessarily made along Indian trails, only a few of which had been transformed into wagon roads by the scattered settlers. The stage of water in the river must have influenced the travelers' selection of routes. On the one hand, there was the desire to avoid the lowlands along the rivers; on the other, the possibility of being able to cross the same rivers at natural fords on traveled trails or roads.

After crossing the Wabash at Vincennes the Lincolns traveled westward on the "Great Western Mail Route" to Lawrenceville, the county seat of Lawrence County. At that point they recrossed the Embarras River by ferry, and took a northeasterly direction so as to pass through Christian Settlement, which was some six or seven miles northeast of Lawrenceville. Between these two points the ground was low and swampy. To it the early settlers of the region gave the name "Purgatories," and the appropriateness of the name has remained unquestioned down to the present time. Fortunately for our travelers the Purgatories appear not to have been submerged, for the stages of water in the Wabash were lower during the first two weeks of March, 1830, than at the corresponding time in any of the other years between 1815 and 1845. Passing through Christian Settlement they came to high ground at the site of Russelville. Here were a few settlers and the remains of what had once been the flourishing Indian town of Little Village. Lincoln is said to have seen an Indian for the first time at Vincennes only a few days before. Perhaps he saw others at Little Village, for it was directly on the trail used by the Indians of central

Illinois in going to and from Vincennes, and its burying ground contained the remains of their chief, Little Turtle.

From this point they followed a comparatively good road along the bank of the Wabash, passing through Palestine and York to Darwin, which was then the county seat of Clark County. At Palestine Lincoln observed perhaps for the first time one of the striking characteristics of the people among whom he had come to dwell. He saw gathered around the public land office groups of men, each intent on securing from the government choice quarter-sections of fertile eastern Illinois land. The force that had brought his father's family to Illinois had brought others; all of them were seeking cheap land. York, the next point on the "Way", appears to have been the most important settlement at the time in eastern Illinois. The town was situated below a rapid in the Wabash, and unless the water in the river were high it was at the head of navigation. In addition it was the starting point for rafts loaded with provisions for the lower Mississippi trade.

Thus far in their journey the Lincolns had encountered no serious obstacles to travel. The road along which they had come led through comparatively densely-populated sections, and with the exception of the "Purgatories" no extensive stretches of lowlands had intervened. From Darwin on, however, they would find conditions less favorable for travel. There they would be compelled for the greater part of the journey to push along Indian trails that led through swampy forests and over muddy prairies. In addition there were four comparatively large streams to be crossed: the Embarras, the Little Wabash, the Kaskaskia, and the Sangamon; and not until they reached the last named river would they again see a ferry. How well they accomplished the task before them is evidenced by their having reached Decatur without either serious accident or appreciable loss of time.

Leaving the river at Darwin they took a north-westerly direction, passed through or near the site of Marshall, the present county seat of Clark County, and pushed on to Richwoods, which was an indefinitely-located settlement near the site of Westfield. In taking this route they made a *détour* of several miles, apparently for the purpose of avoiding the North Fork of the Embarras River. Instead of crossing that stream, as they would have been compelled to do had they followed one of the trails farther south, they passed around its head. From Richwoods they traveled southwesterly, crossed the Embarras River at

McCann's ford, which is a narrow place in the river between high banks near the southern boundary of Coles County, and journeyed to Paradise on the headwaters of the Little Wabash. Here they stopped for a short time with relatives.

Doubtless the most difficult part of the journey was before them. The country between Paradise and Decatur was low and swampy. It was traversed by the Kaskaskia and Sangamon rivers with their many tributaries, which for years afterward resisted every effort to reclaim the land in that section for agriculture. Lincoln himself remembered for many years the difficulties the party encountered in crossing the Kaskaskia. So deeply had the difficulties impressed his mind that he could even thirty years later, point out the place of crossing which was at the site of Nelson in Moultrie County. From this point to Decatur little is known of the exact location of the "Way". It is certain, however, that on or about March 15, 1830, the Lincolns entered Decatur from the south, and that they continued without delay to a squatter's claim near the Sangamon River in Macon County. That claim has since become known as the "Lincoln Farm", and so far as this investigation is concerned it marks the Illinois end of the "Lincoln Way".

Locating the "Way" in Illinois is merely preliminary to the memorial itself. Just what form the memorial will take no one knows at this time, (January 1, 1915). That is a matter for the Illinois legislature to decide, and apparently the members of that body have not yet given it serious thought. It has been suggested that the state co-operate with the counties concerned in improving the "Way" so as to make it a link in the hard-roads scheme now under way in the state. Such a plan is certainly desirable, although it would involve the expenditure of at least a million dollars. Professor Wilhelm Miller of the University of Illinois has developed a plan of road-side planting in which the life and character of Mr. Lincoln would be typified in the trees and shrubs to be planted along the "Way". This plan would enlist the co-operation of the people, especially that of the school children, and would perhaps be more productive of good than a concrete road. A combination of the two plans would be ideal. The least that can be done would be to place markers along the "Way" by which attention might be called to Mr. Lincoln's entry into Illinois.

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DIPLOMATIC AND TREATY RELATIONS BETWEEN THE UNITED STATES AND MEXICO

IN 1825 Mr. Joel R. Poinsett was dispatched as a Minister to Mexico. He was instructed to "bring to the notice of the Mexican Government the message of the late President of the United States to their Congress, on the 2d of December, 1823, asserting certain important principles of intercontinental law in the relations of Europe and the New World, of which the first principle was, that the American continents are not henceforth to be considered as subjects for future colonization by any European powers, and second that while we do not desire to interfere in Europe with the political system of the allied powers, we should regard as dangerous to our peace and safety any attempt on their part to extend their system to any portion of this hemisphere."

Poinsett was further instructed to secure, if possible, a treaty of limits and a treaty of amity and commerce, on the basis of the recently concluded convention with Colombia. The treaty which he signed failed because it did not receive the assent of the Senate. The treaty of limits of 1828 was then concluded, and in 1831 a treaty of amity and commerce was signed, which is still in force.

The war between Texas and Mexico affected the relations between Mexico and the United States, and was the cause of frequent communications from the President to Congress, and stirred up a great deal of discussion in Congress, especially at the beginning of the affair when the Mexican Minister left Washington. However, former conditions were soon restored.

In 1836 claims began to arise and to be pressed against the Mexican Government. In 1837 they were made the subject of several Presidential Messages. In 1838 a Convention was concluded for the adjustment of these claims, which was not ratified by the Mexican Government. In 1839 another convention was concluded and ratified by both parties for the same purpose. The acts of Congress to carry this into effect were approved on the 12th of June, 1840, and on the 1st of Sept. 1841.

A radical difference of opinion on important subjects was found to exist when the commissioners from each side met together. The main difference of opinion was:

(1) The American Commissioners regarded the joint body as a judicial tribunal, while the Mexican Commissioners regarded it as a diplomatic body.

(2) The Americans asserted that the claimants had a right to appear personally or by counsel before the Commissioners. The Mexicans denied this and insisted that the proof must come through the Government. Thus much time was lost in these discussions, and when the last day for action had passed, several claims had not been acted upon, which caused a great amount of correspondence later on. Mexico did not keep its engagements under this treaty, and in 1843 a new Convention respecting the payments was made, in which it was agreed that another claims convention should be entered into; but this had not been done when war broke out between the two countries in 1844.

A treaty was concluded with Texas for its annexation to the United States, but it failed to receive the assent of the Senate. Congress then, by joint resolution, declared that it "doth consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas," and on the 29th of Dec. 1845, it was jointly resolved "that the State of Texas shall be one . . . of the United States of America, and admitted into the Union on an equal footing with all the original States in all respects whatever."

By a clause of the instrument (organizing the colony of the island of Ciare), citizens of the United States were expressly excluded from being members of that colony . . . This exclusion was regarded as invidious, and as directly at variance with the third article of the treaty of 1831, which stipulates for perfect equality between citizens of the United States and other foreigners who may visit or reside in Mexico.

The Mexican law forbidding American citizens from holding real estate in that country, while that privilege is open to other aliens, may also be regarded as incompatible, if not with the letter, certainly with the spirit of the treaty, the obvious purpose of which was to provide for equality generally between our citizens and other foreigners in that Republic.

On May 11th, 1846 President Polk sent to Congress a message declaring that American blood had been shed on American soil, and that war existed by the act of Mexico. He discussed the various causes of irritation that had existed between the two countries, and communicated to Congress certain correspondence relating to the rupture between them. By an act of May 13, 1846, stat.9, the President was authorized to prosecute the war.

TREATY OF GUADALUPE HIDALGO

Mr. Nicholas Trist who was Chief Clerk of the State Department was sent to Mexico to see if peace could be established. He reached Vera Cruz on May 6, 1847. On November 16 he received instructions by which he was directed to return to the United States by the first safe opportunity. In these instructions it was stated that, after a series of brilliant victories, when the American troops were at the gates of the capital and it was completely in their power, the Mexican Government had "insulted our country by proposing terms the acceptance of which would degrade us in the eyes of the world, and be justly condemned by the whole American people." They must, said the instructions: "attribute our liberality to fear, or they must take courage from our supposed political divisions." In this state of affairs the President, it was said, believed that Mr. Trist's continued presence with the army could be productive of no good, but might do much harm by encouraging delusive hopes and false impressions. The President had determined not to make another offer to treat with the Mexican Government, though he would always be ready to receive and consider its proposals. Mexico must now first sue for peace.

When Mr. Trist received his first order of recall, it was expected that an army train for Vera Cruz would leave the City of Mexico about the end of November. The train was delayed for several weeks, but when it did return Mr. Trist did not go with it. On the contrary, he had determined to remain in Mexico and endeavor to conclude a peace. He knew that under the circumstances any action which he might take would more than likely be disavowed by his government, but he decided to assume the responsibility. His proposal of negotiation was accepted by the Mexican Government and plenipotentiaries were duly commissioned to negotiate with him. In about six weeks after their first conference their task was brought to an end by the signing of a

treaty of peace at Guadalupe Hidalgo, Feb. 2d, 1848. Every possible provision was made for its speedy conveyance, and it reached its destination in sixteen or seventeen days after signature—the quickest time then ever made between the capitals of the two Republics—the bearer being James L. Freaner of Maryland, who in a way it is said was instrumental in determining Mr. Trist to make the attempt of which the treaty was the result. The treaty was communicated by the President to the Senate on Feb. 23, 1848, with a message dated the preceding day. In another message to the Senate, on Feb. 29th, the President said: “I consider it to be my solemn duty to the country, uninfluenced by the exceptionable conduct of Mr. Trist, to submit the treaty to the Senate with a recommendation that it be ratified with the modifications suggested.

I deem it to be my duty to state that the recall of Mr. Trist as commissioner of the United States, of which Congress was informed in my annual message, was dictated by a belief that his continued presence with the Army could be productive of no good, but might do much harm by encouraging the delusive hopes and false impressions of the Mexicans, and that his recall would satisfy Mexico that the United States had no terms of peace more favorable to offer. Directions were given that any propositions for peace which Mexico might make should be received and transmitted by the commanding general of our forces to the United States.

It was not expected that Mr. Trist would remain in Mexico or continue in the exercise of the functions of the office of commissioner after he received his letter of recall. He has, however, done so, and the plenipotentiaries of the government of Mexico, with a knowledge of the fact, have concluded with him this treaty. I have examined with a full sense of the extraneous circumstances attending its conclusion and signature, which might be objected to, but conforming as it does substantially on the main questions of boundary and indemnity to the terms which our commissioner, when he left the United States in April last, was authorized to offer, and animated as I am by the spirit which has governed all my official conduct toward Mexico, I have felt it to be my duty to submit it to the Senate for their consideration, with a view to its ratification.”*

Mr. Sumner, on July 14, 1870, from the Committee on Foreign Relations, to whom was referred a petition of Mr. Trist for compensa-

*See Sess. Ex. Doc. 52, 30 Cong. 1 sess.

tion for his services, made a report from which the following passages are taken :

“The services of Mr. Trist constitute an interesting chapter in the history of our country. As negotiator of the treaty of Guadalupe Hidalgo, he exercised a decisive influence in terminating the war with Mexico, by which we were secured in the blessings of peace and in the possession also of an undisputed title to Texas, and an addition to the national domain equal in area to the present territory of Mexico, and including in its expanse the great and prosperous State of California.

Mr. Trist, while Chief Clerk of the State Department, and in confidential relations with Mr. Buchanan, the Secretary of State, was selected as ‘commissioner to negotiate and conclude a settlement of existing differences and a lasting treaty of peace’ with Mexico. On the 16th of April, 1847, he left Washington and proceeded to the headquarters of the Army of the United States in Mexico, where for several months he labored anxiously to accomplish the object of his important mission. Not until November, 1847, was the first great point reached. This was the appointment of a commission on the part of the Mexican Government authorized to negotiate.

Meanwhile at Washington there was a spirit hostile to negotiation; Mexico was not sufficiently humiliated. In the midst of his negotiation, when a treaty of peace was almost within his grasp, on the 16th of November, 1847, Mr. Trist suddenly received a letter of recall, with the order to return home by the first safe opportunity. After careful deliberation, and with the sure conviction that if his efforts were thus abruptly terminated the war would be much prolonged, while the difficulties of obtaining another Mexican commission would be increased, he concluded to proceed, and do what he could for the sake of peace. The Mexicans to whom he communicated the actual condition of affairs united with him, and a treaty was signed on the 2d of February, 1848, at Guadalupe-Hidalgo. Mr. Trist remained in Mexico until the 8th of April, 1848, in order to protect the interests of the United States, and would have remained longer had not an order for his arrest, sent from Washington to our military authorities, compelled him to leave.

It is understood that the President, on the arrival of the treaty, proposed to suppress it; but, unwilling to encounter public opinion, which was favorable to peace, he communicated it to the Senate, when,

with certain amendments, it was ratified by a vote of thirty-eight yeas to fourteen nays. And thus the war with Mexico was ended.

The commissioner who had taken such great responsibility reached Washington on his return in June, 1848, only to encounter the enmity of the administration then in power. His mission had been crowned with success, but he was disgraced. By the order of President Polk his pay was stopped at November 16, 1847, so that his service, as peacemaker, rendered after that date was left without compensation, as without honor. Mr. Trist was proud and sensitive. He determined to make no application at that time for the compensation he had earned, and to await the spontaneous offer of it, unless compelled by actual want."

Article VII. of the treaty of Guadalupe Hidalgo, while it was declared to have been rendered nugatory for the most part by the first clause of Article IV. of the treaty concluded December 30, 1853, and proclaimed June 30, 1854, was, by the second clause thereof, reaffirmed as to the Rio Grande below the point when, by the lines as fixed by the latter treaty that river became the boundary between the two countries. Said Article VII. is recognized as still in force by Article V. of the convention concluded November 12, 1884, and proclaimed September 14, 1886.

The Texas Act. Feb. 8, 1850, which provides for the investigation by commissioners of land titles with a view to their confirmation by the legislature, since it makes no discrimination between citizens of the United States and of Mexico, does not violate Article VIII. of the treaty of Guadalupe Hidalgo, which simply guarantees to Mexicans, in respect of their rights of property, the same protection as is extended to citizens of the United States.

The Court of Private Land Claims, provided for by the act of March 3, 1891, to settle titles in Arizona and New Mexico makes it possible to give early relief to communities long repressed in their development by unsettled land titles, and to establish the right and possession of settlers whose lands have been rendered valueless by adverse and unfounded claims.

MESILLA, AND LATER, TREATIES, OR GADSDEN PURCHASE

Under the treaty of December 30, 1853, by which the Mesilla valley was secured by the United States, \$7,000,000 was to be paid by

the United States on the exchange of ratifications, and \$3,000,000 when the new boundary line was established.

In 1861 an extradition treaty* was concluded with Mexico, and in 1868 a naturalization convention, and a convention for the establishment of a claims commission. The commission under the claims convention was duly organized in Washington, July 31, 1869. Its powers were extended by a convention, concluded April 19, 1871, and a further extension was authorized by a convention concluded November 27, 1872.

DOMESTIC DISTURBANCES; INTERVENTION

After the close of the war between the United States and Mexico, the political conditions of the latter continued to be disturbed. Americans made complaints of injuries of various kinds, and claims to a large amount accumulated in the Department of State. In 1856 Mr. Forsyth, then our Minister to Mexico, declared that "nothing but a manifestation of the power of the government of the United States" would avail to punish these wrongs. In 1857 a favorable change in the affairs of Mexico seemed to take place. A constituent Congress adopted a republican constitution, and a popular election was held at which General Comonfort was chosen as President. He took the oath of office and was inaugurated December 1, 1857. A month later, however, he was driven from the capital by a revolution headed by General Zuloaga. The entire diplomatic corps, including the minister of the United States, made haste to recognize Zuloaga's authority without awaiting instructions from their governments. But Zuloaga was soon expelled from power, and his place was taken by General Miramon, a favorite of the so-called Church Party. The reappearance of Zuloaga was secured for the purpose of appointing Miramon as "President-substitute," and in the latter character the diplomatic corps transferred to him the recognition which they had given to Zuloaga. Meanwhile Benito Juarez, who, as the chief justice of the Republic and ex-officio Vice-President claimed to have become President on the deposition of Comonfort, came forward as the leader of the Liberal Party. He established his government first at Queretaro, then at Guanajuato, and then at Guadalajara, but was eventually compelled to leave the country. In 1858, however,

*In session ten years.

he returned to Vera Cruz and established a government. In June, 1858, Minister Forsyth, suspended diplomatic relations with the Miramon Government till he should ascertain the decision of the President. President Buchanan approved the step which Forsyth had taken, and, because of complaints of ill treatment of American citizens, broke off diplomatic relations with Mexico altogether. Subsequently, when the final triumph of Juarez seemed to be probable, he sent a confidential agent to Mexico to report upon the conditions and prospects of the belligerents. In consequence of this agent's report, Robert M. McLane, of Maryland was appointed as minister to the Mexican Republic. Mr. McLane proceeded on his mission on March 8, 1859, invested with discretionary power to recognize the government of President Juarez, if he should find it entitled to such recognition according to the established practice of the United States. April 7, 1859 he presented his credentials to President Juarez, and recognized his government as the only existing government at that time in the Republic. But the Juarez government was not able to expel Miramon from the capital; President Buchanan in his annual Message to Congress of December 3d, 1859, recommended the employment of a sufficient military force to penetrate into the interior of Mexico, where the government of Miramon was to be found, and seek redress from it for the injuries to American citizens. In his message of Dec. 3, 1860, he declared his belief in the "justice as well as wisdom of such a policy," but "stated that having discovered that his recommendation would not be sustained by Congress, he had sought to accomplish the same objects in some degree by treaty stipulations with the constitutional government."

In instructions given to Mr. Corwin, minister to Mexico, April 6, 1861, Mr. Seward stated that the actual conditions of affairs in Mexico was so imperfectly understood in Washington that the President found it difficult to give him particular and practical directions. Information had been received that President Juarez had overthrown his adversaries and established his government at the Capital, and that he had been chosen as President at an election lately held, but there were other rumors afloat to the effect that his government was unable to maintain order, that robberies were frequent on the high roads, and that even a member of the American Legation had been murdered on his way from the City of Mexico to Vera Cruz. If the last mentioned occurrence should prove to be true, Mr. Corwin was informed that it would be regarded as a high offense against the dignity and honor of the United

States, and would prove a severe shock to the sensibilities of the American people. As to claims, he was not to put them forward for the present, but he was to keep the Mexican Government in mind of the fact that such of them as should be found to be just would in due time be presented and urged upon its consideration. The performance by the United States of its duty to "reason" with the government of Mexico, was, said Mr. Seward, embarrassed by the occurrence of civil commotions in our own country, by which Mexico, in consequence of her proximity is not unlikely to be affected. Both governments must "address themselves to this new and annoying condition of things, with common dispositions to mitigate its evils and abridge its duration as much as possible." Mr. Corwin was, however, advised that the President would not suffer the representatives of the United States to engage in any discussion of the merits of its domestic difficulties in the presence of foreign powers, but he was to assure the government of Mexico that those difficulties had not arisen out of any deep and permanent popular discontent, and that the President believed the people of the United States would speedily and in a Constitutional way adopt all necessary remedies for the restoration to the Republic of peace and the preservation of the Federal Union. Peace, order, and constitutional authority, in each and all of the American Republics were, said Mr. Seward, "not exclusively an interest of any one or more of them, but a common and indispensable interest of them all." The President was, moreover, satisfied that the safety, welfare, and happiness of the United States would be more effectually promoted if Mexico should retain its complete integrity and independence, than if any part of its territory should be transferred to another power, even though that power should be the United States itself. It was understood, said Mr. Seward, that the ability of the government and people of Mexico to preserve and maintain the integrity and sovereignty of the republic might be much impaired, under existing circumstances, by hostile or unfriendly action on the part of the United States. The President would therefore use all proper influence to favor the restoration of order and authority in Mexico, and, so far as might be in his power, prevent incursions of or any other form of aggression by citizens of the United States against Mexico. The Mexican government had lately complained of an apprehended attempt to invade the State of Sonora by citizens of the United States. Mr. Corwin was to assure the Mexican government that effective means would be adopted to put the neutrality laws of the United

States into activity, and that due attention would be given to the preservation and safety of the peaceable inhabitants residing along the border. It was hoped that equal attention would be given to this subject by the authorities in Mexico.

On October 31, 1861, France, Great Britain, and Spain entered into a convention with reference to combined operations against Mexico for the enforcement of claims. They agreed that they would not, in the employment of measures of coercion, make any acquisition of territory, or take any particular advantage, or exercise in the domestic affairs of Mexico any influence incompatible with its political independence; and, in order that their proceeding might not seem to have an exclusive character, they also agreed to communicate a copy of the convention to the United States and invite that government to accede to it. Hostile operations were begun in May, 1862, but before that time things took an unfavorable turn, in consequence of the French having extended protection to General Almonte and other leading men of the Reactionary party who had been banished from the country. On this question of the intervention of the French in the domestic affairs of Mexico, the concert of the powers was destroyed. The United States had declined to join them in coercive measures; and as Great Britain and Spain refused to accede to the policy of intervention, France was left to pursue alone the way that led to the attempt and disastrous failure to establish an alien monarchy in Mexico.

LATER RELATIONS

For some years after the withdrawal of the French from Mexico the peace of the latter country continued to be interrupted by domestic contentions. These were attended with serious border troubles, which at times impaired the good relations between the United States and Mexico and gave rise to troublesome questions. The acute stage of the difficulties was passed in 1877.

Mr. Blaine, on June 1, 1881, wrote to Mr. Morgan, Minister to Mexico as follows:

"The record of the last fifteen years must have removed from the minds of the enlightened statesmen of Mexico any possible lingering doubt touching the policy of the United States toward her sister Republic. That policy is one of faithful and impartial recognition of the

independence and the integrity of the Mexican nation. At this late day it needs no disclaimer on our part of the existence of even the faintest desire in the United States for territorial extension south of the Rio Grande. The boundaries of the two republics have been long settled in conformity with the best jurisdictional interests of both. The line of demarkation is not conventional merely. It is more than that. It separates a Spanish-American people from a Saxon-American people. It divides one great nation from another with distinct and natural finality. The increasing prosperity of both Commonwealths can only draw into closer union the friendly feeling, the political sympathy, and the correlated interests which their history and neighborhood have created and encouraged. In all your intercourse with the Mexican government and people it must be your chiefest endeavor correctly to reflect this firm conviction of your government."

President Cleveland in his annual message Dec. 3d, 1888, wrote: "It is with sincere satisfaction that I am enabled to advert to the spirit of good neighborhood and friendly cooperation and conciliation that has marked the correspondence and action of the Mexican authorities in their share of the task of maintaining law and order about the line of our common boundary."

FREE ZONE

President McKinley, in his annual message Dec. 5, 1898 said: "The problem of the Mexican Free Zone has been often discussed with regard to its inconvenience as a provocative of smuggling into the United States along an extensive and thinly guarded land border. The effort made by the joint resolution of March 1, 1895, to remedy the abuse charged by suspending the privilege of free transportation in bond across the territory of the United States to Mexico failed of good result, as is stated in Report No. 702 of the House of Rep. submitted in the last session, March 11, 1898. As the question is one to be conveniently met by wise concurrent legislation of the two countries looking to the protection of the revenues by harmonious measures operating equally on either side of the boundary, rather than by conventional arrangements, I suggest that Congress consider the advisability of authorizing and inviting a conference of representatives of the Treasury Departments of the United States and Mexico to consider the subject in all its complex bearings, and make report with pertinent recommendations to the re-

spective governments for the information and consideration of their Congresses."

CROSSING OF BORDER BY CATTLE

Congress by a joint resolution of January 15, 1894, authorized the Secretary of the Treasury to permit owners of cattle and horses in the United States to pass over into Mexico for the purpose of pasturing them, and afterwards to re-import them to the United States free of duty within twelve months from the date of the resolution. The Mexican government declined to concur in the carrying out of the resolution, on the ground that a convention between the United States and Mexico, signed July 11, 1888, for the reciprocal crossing of cattle from one country to the other was still pending before the Mexican Senate, and that, in view of the opposition to the convention among the inhabitants of the frontier States, the President of Mexico did not consider it opportune to take any action in the matter.

Peace and quiet between the United States and Mexico reigned until the early part of 1913, when President Madero was murdered. Since then has been constant friction of which no man can foresee the end.

NEW YORK

JOHN EDWARD OSTER

PERSONAL REMINISCENCES OF THE REBELLION

(Thirteenth Paper)

Chapter XII.

WHILE McClellan was in front of Yorktown, the President and Secretary of War and Mr. Chase, Secretary of the Treasury—practically the Administration—came down and took up their quarters at Fort Monroe, staying with us at headquarters. The evening of their arrival Yorktown was evacuated, and the enemy retired upon Williamsburg, pursued by McClellan's forces. The latter had an engagement at Williamsburg with the rear-guard of his army, and suffered severely, losing about eighteen hundred men. The news of the battle reached Fort Monroe that evening, previous to the arrival of the President. The enemy meanwhile was retreating up the Peninsula.

Upon the party's arrival in a revenue cutter I boarded the vessel, and reported to the President the results of the engagement, (for we had no notice of his coming) and suggested that the party should come to headquarters within the fort; a messenger being despatched to the General, who came down with his staff to meet them and escort them to the Fort.

The Navy, in command of Admiral Goldsborough, had repeatedly refused to co-operate with us in making an effort to take Norfolk, and this was the real reason of the President and Secretary of war coming down; their object being to establish harmony of action between the Army and Navy.

General Wool represented to the President that he could do nothing with his army, except he had a naval force to cover his landing upon the opposite shore. The result was that they proceeded off to the flagship at once, meeting Admiral Goldsborough with General Wool, and from there issued an order that night, that the Navy should go into action next day, and bombard the forts of the Elizabeth River, Sewell's Point and Craney Island. Wool said to the President:

"If you will order the Navy to co-operate with me, I will take Norfolk in three days.

The naval vessels went into action next day, and in less than two hours silenced the forts. Then the *Merrimac* appeared for the second time, (and) the naval vessels at once retired from action, notwithstanding the four large rams we had there for the express purpose of destroying the *Merrimac*. Nothing could be more humiliating than this exhibition on the part of the commander of the Navy. So conspicuous was this irresolute act that it caused the relief of Admiral Goldsborough from the command in a few days, and an order from the President that his war vessels should go up the James River and assist McClellan by bombarding the forts on Drewry's Bluff.

General Wool determined to make an advance on Norfolk, and had secured a large number of big canal-boats that had brought down the cavalry and mules of McClellan's command. On these he proposed to embark about ten thousand men, and land them at a place called Pleasure-House Beach, which was the most accessible point to the Eastward of Norfolk, and to take the rebel works. General Wool's troops had never been brigaded, and I sat up all night with him, making details of the regiments that were to go. The information we had received was that General Huger had about twenty thousand men in Norfolk, inside defences. I suggested to General Wool that as his troops were all new levies and had not been brigaded, and the amount of artillery he had was insignificant, our chances of success seemed very remote. It seemed to me the attempt would result in inevitable disaster.

General Wool asserted at once, with great confidence:

"If I land, General Huger will run. Huger has been on my staff, and he knows I will never wet my feet."

"Suppose he does not run", I said; "We will either be driven into the sea or will have to surrender".

"It is not a supposable case," General Wool replied: "General Huger will evacuate."

I was the ranking officer on the staff at Fort Monroe. It is military etiquette that the highest ranking officer should be assigned as Aide-in-waiting to the President. President Lincoln occupied my sleeping-room, while I slept on a stretcher in the hall. As Aide-in-waiting, I was practically secretary to the President.

I was utterly depressed by General Wool's confidence, which was not based on any consideration of military affairs and of the exact situation, but was purely a game of brag. On the following day, when General Wool was out, reviewing the command that was going on the expedition, the President and Secretary observed that I was very reticent and depressed, and asked me what the trouble was. I avoided the question for some little time, but they urged upon me that I should tell them what was the cause of my trouble. I replied to them:

"I am going to do a very insubordinate act". Then I told them precisely what General Wool was about to do: that he was going to move the following night to attack Norfolk, purely on the belief that if he landed General Huger would evacuate the place. I said: "We have had so many disasters that one coming now would be terrible, not only in its consequences to us, but fearful in its influence on McClellan's advance."

The President was thoughtful for a long time, and finally said: "Well, what do you suggest?"

"I have nothing to suggest", I said, "but there is a remedy".

"What is it?" asked the President.

"Relieve General Wool of his command."

They knew my close personal relations with General Wool, but this they were not prepared to do. At dinner that evening the President asked General Wool how many men he was going to move with.

"About ten thousand", said the General.

"But", the President said, "has not General Huger nearly twenty-thousand men, and are they not behind fortified works?"

"Well, possibly", answered General Wool, "but that is of no consequence, he is not going to fight, he will run if I land."

Then the President repeated very much what I had said to him about the situation.

"Mr. President," said General Wool, "you are not a military man and do not understand the situation. If you stay here forty-eight hours, I will present Norfolk to you."

The troops were embarked on the barges at nightfall, and very clever, skillful arrangements were made for landing them. Two or three of these barges, empty, were to be driven ahead by a tug with great velocity, and run right upon to the beach, bows first. Anchors and chains were immediately to be carried ashore to keep the barges in position. Then another barge was to be brought under the stern of these, in water sufficiently deep for others to come up alongside and disembark the troops.

Secretary Chase accompanied General Wool on the expedition, leaving Fort Monroe about four o'clock A. M. of May 10th.

The troops had gone ahead in the barges during the night, and laid off the proposed landing-place. I reported with my horse and orderly, to go on board, and the General at once asked me: "What are you doing here, sir?"

"I am going with the expedition of course," I answered.

"No, you are not going", said General Wool; "I will take nobody with me who has any doubt of my success".

"Am I to be humiliated, General Wool," I replied, "in consequence of my confidential relations to you? If so, I shall resign from the service."

"No," said he, "you are left in command of the reserves and of this fort, and I will not trust anyone else."

"That is more monstrous than anything else, if you will allow me to suggest it," I said: "I shall obey the order, but I must ask you to leave the Adjutant-General with me."

The Adjutant-General was very indignant at being left behind, but it was so ordered, and he had to remain.

General Wool embarked, and all day long we heard nothing from him. At times we could hear firing and could see some smoke. The President and Secretary of War were almost overcome with anxiety concerning the expedition. They could not but feel that they were in a manner responsible, as they had consented to it.

The whole day passed, and no word came from Norfolk. Evening set in, and when it got to be about nine or ten o'clock I persuaded

the President to go to bed in my own room. I also persuaded Secretary Stanton to retire. He had a bed in my office. I went outside the fort with Captain Rodgers of the Navy, and we went down on the Ordnance wharf. It was a beautiful moonlight night, and there we remained waiting for some news to come.

After a long time I heard a distant sound (as) of paddle-wheels splashing in the water. The sound came nearer and nearer and finally up came a little gunboat, with General Wool and the members of his staff and Secretary Chase on board, and the news that Norfolk was taken—General Huger *had* run.

The excitement was wonderful. General Wool came up into the fort, and as we approached Headquarters the sentinel challenged, "Who goes there?" The President heard the challenge, and the next thing we saw was six feet of white night shirt at the French window.

"What is it?" asked the President.

"General Wool, to present Norfolk to you," I replied.

"Call up Stanton, and send Wool up here " he said,

I roused up Secretary Stanton and told him: "General Wool has returned, and we have taken Norfolk."

"My God!" he said, and jumped out of bed, and started up stairs in his night-shirt to the President's room.

President Lincoln was sitting on the edge of the bed; General Wool was there in full uniform and all covered with dust, and one or two of his officers were also there. Secretary Stanton rushed impetuously into General Wool's arms in his excitement, and embraced him fervently. The President broke out laughing at seeing the General in full uniform and the Secretary in his night-shirt clasped in each others arms, and said:

"Look out, Mars!—if you don't the General will throw you". Secretary Stanton, with his usual quickness of perception and appreciation, said:

"This is the most important capture that has been made. Its importance nobody can estimate. You should immediately proceed to Norfolk, Mr. President, and issue a proclamation on rebel soil."

I got the Secretary some covering, and he sat down and right then and there wrote (out) the proclamation for the President.

At five o'clock that same morning—Sunday, May 11th, 1862—we started on a gunboat for Norfolk. We took President Lincoln, Secretary Chase, Secretary Stanton, and Admiral Goldsborough, who came on board. But we knew the *Merrimac* was there yet, and whether or not we could get to Norfolk we did not know. We had gone but a short distance when we heard a tremendous explosion. Looking in its direction, we saw it was in the Elizabeth River. It proved to be the destruction of the *Merrimac*, which the rebels had blown up. Later, as we were going in, we passed over her wreckage.

Soon after breakfast we arrived at Norfolk, and found our troops in possession of the city. I mentioned to Secretary Chase on the way, that it was most important to make a strong political point there. At Norfolk were large numbers of poor people and negroes, and a vast amount of property at the Navy Yard that ought to be preserved; and I suggested that the military command should pursue a policy which would operate to cause dissension among the southern people. Employment should be given to these poor people; they should be taken into the service of the United States; this would naturally beget jealousy between them and the people of wealth, who were insignificant in numbers.

Furthermore, we should pursue the same policy with the negroes that we had adopted at Fort Monroe. Secretary Chase talked earnestly with me about the matter, and then went and talked with the President. Then he came back to me and said: "The President wants to make you Military Governor of Norfolk. We will speak to General Wool if you assent to it; and no doubt he will readily endorse the proposition."

"It is impossible," I said, "my health is impaired—and furthermore, my duties are almost entirely advisory, executive rather than military."

"That is what we want more than anything else, in the army," said the Secretary; "and the President wants you to take this post."

But I utterly refused the offer. Later, when I went to Washington with the President and Secretaries, Chase again urged the matter on me.

I said "I must go home to my family, some of whom are ill."

"Well, bring your family here and take up your quarters at Fort Norfolk* " he said. It was, he urged, the first place where we could impress upon the people of the South that if they wanted Union protection they must recognize the National authority. Finally, to get rid of their importunity, I said I would go home, take the matter under consideration, and advise them of my decision. Secretary Chase said:

"If you will take this position, and should find that you have occasion to go home temporarily, I will come down myself and relieve you of the command until you return. I particularly desire that you should accept it, because of its great importance and because of our perfect accord in regard to the position."

I returned to New York—but having suffered from malaria for some time and being then far from well, I was influenced by my family and my physician to decline the proffered post, and to tender my resignation from the Service—which was accepted on June 11th, 1862.

LEGRAND B. CANNON

*So in the original—possibly a slip for Fortress Monroe.

(To be continued)

GENERAL RENO AT FREDERICK, BARBARA FRITCHIE AND HER FLAG

In October, 1863, about thirteen months after the incident referred to occurred, John Greenleaf Whittier published his "Barbara Frietchie." The poem immediately attracted wide attention, and immortalized not only Barbara Frietchie, but the town of Frederick, Maryland. The opening stanzas depict a beautiful and fertile country with "meadows rich with corn" and with "apple and peach tree fruited deep," as "fair as a garden of the Lord." The poem is most remarkable for its lofty patriotism and for its heroic action.

Mr. Whittier's information of the incident was derived from Mrs. E. D. E. N. Southworth, the novelist, who was then residing in Georgetown, D. C. Mrs. Southworth heard the story from friends who were in Frederick at the time, and from Mr. C. S. Bramsburg, a neighbor of hers who was a connection of Barbara Frietchie, and from Samuel Tyler, a lawyer of Maryland who afterward wrote a life of Chief Justice Roger B. Taney. Mr. Whittier received Mrs. Southworth's letter at Amesbury, in August, 1863, and within two weeks afterward he wrote his stirring ballad. It was sent to Mr. James T. Fields for publication in the *Atlantic Monthly*, and on August 24, 1863, Mr. Fields sent a note to Mr. Whittier expressing his great appreciation of the poem. "'Barbara' is most welcome," he wrote, "and I will find room for it in the October number, most certainly.... You were right in thinking I should like it, for so I do, as I like few things in this world. The piece must go into your book, of course." . . .

Mr. Fields's opinion of the literary excellence of the poem has held its place in the world of letters, and his estimate seems none too high. Though written by one without military training, the ballad is replete with the spirit of army life; with the tread of marching soldiers; with the officers' orders, short and sharp; and with the quick fire of rifles.

This and other poems relating to the Civil War entitled Mr. Whittier to the warm regard of the Union Army. On April 9, 1890,

—Read before the Massachusetts Loyal Legion.

he was accordingly elected by the Massachusetts Commandery, a third-class member of the Loyal Legion of the United States, an honor which has been bestowed upon very few civilians.

The poem represents one of the favorite generals of the South, "Stonewall" Jackson, in a dishonorable light, and for this reason immediately aroused violent protests from the Confederates, and many denials of all sorts. The charge was made and believed by many that no such person as Barbara Fritchie ever lived in Frederick; that there was no such house in Frederick as the one occupied by Barbara Fritchie; that she was blind and bedridden in September, 1862; and that her sympathies were with the South, and that if she had waved any flag at all, it would have been the Confederate flag.

Some persons have said that her flag was buried with Barbara Fritchie's body, and still others have said that after her death the flag was purchased by a Confederate and destroyed as a matter of spite and revenge.

Writing to the editor of the *Century* under date of June 10, 1886, Mr. Whittier said:

"The poem 'Barbara Fritchie' was written in good faith. The story was no invention of mine. It came to me from sources which I regarded as entirely reliable; it had been published in newspapers, and had gained public credence in Washington and Maryland before my poem was written. I had no reason to doubt its accuracy then, and I am still constrained to believe that it had foundation in fact. If I thought otherwise I should not hesitate to express it. I have no pride of authorship to interfere with my allegiance to truth."

In a later letter to the editor of the *Century* dated March 7, 1888, Mr. Whittier stated that he had

"Also received letters from several other responsible persons, wholly or partially confirming the story, among whom was the late Dorothea L. Dix."

Barbara Fritchie was born at Lancaster, Pennsylvania, on December 3, 1766. She was a daughter of Niclaus Hauer, who left Germany on May 11th, 1754, and arrived in Pennsylvania on October 1st, 1754. She lived the early years of her life in Pennsylvania, and com-

pleted her education in Baltimore, Maryland. Her grand-niece, Mrs. Julia M. Abbott, wife of John H. Abbott of Frederick, Maryland, states that her education was the best that could be obtained in her day. She was not only able to read and write, but was a thoroughly well-read woman. Even up to her ninety-second year she attended to business matters and signed business papers. It is not certain precisely what time the family removed to Frederick, Maryland, but it does appear that on May 6th, 1806, Barbara Hauer was married to John Casper Fritchie at Frederick City, by the Reverend Mr. Wagner of the German Reformed Church, and that she lived in Frederick from that time until her death. Her husband was a well-known glove-maker, and carried on that business in Frederick until his death, which occurred November 10th, 1849.

Barbara Fritchie never had any children, and at the time of her death her nearest relative was Mrs. Hanshew, a niece, who was the only child of Mrs. Fritchie's sister, and had lived with Mrs. Fritchie many years.

Her personal appearance has been described by her old friend Henry M. Nixdorff, of Frederick, as being slight in figure and scarcely of medium height, weighing not over one hundred and fifteen pounds, with eyes that were small but penetrating and keen; with hair that was dark in early life, but gray towards its end. She generally wore, when not at work, a black satin gown with a clear starched muslin kerchief crossed over her breast, and a close white cap such as the old New England grandmother usually wore. The likeness of her which has become commonly known was taken when Barbara Fritchie was about seventy-six years old.

In character she was firm and decisive when she believed herself right, but at the same time was gentle and sympathetic when the occasion required. Her grand-niece writes that "as children we knew we must obey her, but loved her for her kindness."

Barbara Fritchie died on December 18th, 1862, and was buried beside her husband in the cemetery of the Evangelical Reformed Church at Frederick.

The charge that she was bedridden during the occupation of the town by the Confederates, and was therefore unable to perform any

heroic act, seems to be the one upon which her opponents chiefly rely. One man has even gone so far as to state that upon Sunday, September 7th, 1862, she was so ill that he was obliged to carry the sacrament from the church to her house. This charge, however, has been refuted by several well-known citizens of Frederick who were personally acquainted with Barbara Fritchie, and who saw her daily during the time that the Confederates occupied the town.

Mr E. A. Gittinger, at present* City Registrar of Frederick, who in September, 1862, was residing in Frederick, and was between twenty-five and thirty years of age, writes upon this point "The Southern forces were naturally tired out, and frequently laid down or lounged on the porches, and Mrs. Fritchie being quite old, walked with a cane, and is known to have occasionally passed in and out from her home, and threatened to drive the soldiers off from her porch." This statement is also corroborated by the testimony of Mr. Henry M. Nixdorff, to whom previous reference has been made, a personal friend of Barbara Fritchie, and who lived only a short distance from her house. He writes: "On one occasion a number of Confederate soldiers halted and sat down on the porch in front of her dwelling, and were drinking water brought from the spring near by. To this she had not the slightest objection, but before leaving they began to talk in a derogatory manner of her beloved country. In a moment she arose, and passing to the front door she bade them clear themselves, and applied the cane with which she used to walk, in the most vigorous manner, clearing the porch in a few moments of every man upon it."

The most serious charge, however, which has been made against Barbara Fritchie is that she was not loyal to the Union, and that if she waved any flag at all while the Confederates occupied the town, it was the Confederate flag. This charge seems to have originated with Valerius Ebert, who was one of her husband's nephews and a strong Southern sympathizer, whom Barbara Fritchie once described as an "arrant rebel." Upon this point, however, the evidence is overwhelming in favor of Barbara Fritchie's staunch loyalty to the old flag, and her outspoken and fearless behavior whenever the subject was broached.

Mr Henry M. Nixdorff says in his sketch of Barbara Fritchie: "In the early days of the rebellion, when one disaster after another had

*1900

befallen the Union Army, and other patriotic hearts were almost overwhelmed with grief and beginning to despond; when matters looked so dark, so portentous, she stood entirely unmoved, displaying the greatest composure imaginable. Her loyalty to the country of her birth was of the most pronounced character. She never suffered that country to be spoken of in her presence in a disparaging way, without at once, and in the most earnest manner, resenting it. Yes, those small bright eyes would flash excitement and indignation, and her usual calmness change to that of resoluteness and strong determination, until the offensive remark was recalled, which was invariably done, for all knew that she meant what she said in her inmost soul. She realized that in 'Union there is strength,' and believed it with her whole heart.

"I shall never forget her appearance as she came into my store during the earlier part of the war, leaning on her staff, and saying with greatest earnestness: 'Do not for a moment despair, stand firm.'

"Often when she entered the store, she would ask: 'How do matters look now for the Union side?' Sometimes I had just heard good news of a cheering character, and when I would communicate it to her, joy was manifested in the most fervent manner. Her whole frame kindled with emotion and her bright eyes sparkled with delight. At other times news of a saddening character had been received, and when I made it known to her I felt greatly depressed. She would notice it at once and remark: 'Oh, do not be cast down! It will all come right, I know it will: the Union must be preserved,' and remark with the greatest emphasis: 'Be assured that God takes care of his people, and he will take care of this country. I feel perfectly satisfied that the Union of the States will be maintained. I am sure that it is God's will that the Union shall continue, and you know that nothing can stand against that.' "

Whittier himself never doubted the loyalty of Barbara Fritchie. In 1888 he wrote a letter to a member of Barbara Fritchie's family, in which he stated: "There has been a good deal of dispute about my little poem; but if there was any mistake in details, there was none in my estimate of her noble character and her loyalty and patriotism."

It would have been strange, indeed, if one who had witnessed the stirring scenes attending the birth of the Union, and had passed a long and happy life under the protection of the Stars and Stripes, had at the

close of such a career, sympathized with the attempt to destroy the Union and to dishonor the flag!

For a great many years before her death Barbara Fritchie lived in a small one story and a half brick house situated on West Patrick Street, one of the principal streets in Frederick. The house had two front doors, three windows in front on the ground floor, and two dormer windows in front in the long sloping roof. A small stream known as Carroll Creek flowed past the gable end of the back building, and on July 14, 1868, a corner of this building was washed away by what is known as the "Great Freshet." The house was soon afterward removed from the lot, the land having been purchased by the corporation of Frederick. The purchaser of the house cut up the window frames and oak rafters and made canes out of the wood.

On Saturday, September 6, 1862, the Confederate forces under Lee and Jackson entered the town of Frederick. One of the principal purposes of this expedition into Maryland was to obtain recruits for the Confederate army, and on Monday, September 8, 1862, General Lee issued his famous proclamation addressed to the people of Maryland. In this proclamation he recited among other things, that "the people of the Confederate States had long watched with the deepest sympathy the wrongs and outrages that have been inflicted upon the citizens of a Commonwealth allied to the States of the South by the strongest social, political and commercial ties. They have seen with profound indignation their sister state deprived of every right and reduced to the condition of a conquered province.

"Believing that the people of Maryland possessed a spirit too lofty to submit to such a government, the people of the South have long wished to aid you in throwing off this foreign yoke, to enable you to again enjoy the inalienable rights of freemen and restore independency and sovereignty to your state. This, citizens of Maryland, is our mission, so far as you yourselves are concerned. It is for you to decide your destiny, freely and without restraint."

The response to the proclamation was disheartening to the Confederates. It is true that there were Southern sympathizers in Frederick and other parts of Maryland, but there seem to have been at that time very few who were willing to enlist. On September 10, 1862, Jackson's corps marched from Frederick toward Harper's Ferry and

surprised and captured the latter place a few days later. The rest of the Confederates however remained in Frederick until September 12. Jackson made his headquarters during the four days that he was near Frederick, at Best's Grove, situated about three miles from Frederick proper. The day after he crossed into Maryland, he was presented with a spirited horse, and while riding him received a fall which rendered him lame for several days. Upon Sunday, September 7, 1862, he drove into Frederick accompanied by Colonel H. Kyd Douglas and several other members of his staff. He attended church services in the evening and during a part of the service at least was fast asleep. So far as I have been able to ascertain General Jackson did not again enter Frederick until the early morning of September 10th, when he was again accompanied by Colonel Douglas and his staff. Colonel Douglas, informs me that he was with General Jackson every moment of the time of these two visits to Frederick. On the morning of September 10th, Jackson stopped at the square on Patrick Street, gave some orders and asked some misleading questions of citizens and rode to the house of Rev. Dr. Ross, a Presbyterian clergyman who was a friend of his. General Jackson and Douglas reached the house of Dr. Ross about six o'clock in the morning before Dr. Ross was up, and not seeing him, left a penciled note for him with his colored man who was standing at the gate.

Colonel Douglas further informs me that General Jackson did not pass the house of Barbara Fritchie, that he never saw her, and that no shooting at the Union flag occurred in his presence. He repudiates with friendly warmth the charge that General Jackson was capable of firing upon an old woman who happened to be waving a Union flag, and mentions an incident which occurred on the same morning in Middletown, about six miles from Frederick. Two little girls, he says with ribbons in their hair, ran out of a house and waved tiny Union flags at General Jackson as he rode past. General Jackson took off his hat, smiled and bowed to them and his staff uncovered, and he rode on. A moment afterward their frightened mother came out, and hurried the children into the house, amid the cheers of Jackson's ragged rebels. There seems to be no doubt that Jackson was gentle and chivalric toward women and children. In Mrs. Jackson's life of her husband, she states upon the authority of members of his staff, that this episode, so far as it relates to General Jackson, was unfounded in fact.

I have collected and examined the evidence upon both sides of this question with care, and as a son of Jackson's old friend and classmate, I take pleasure in expressing my belief that Jackson never gave an order to fire upon Barbara Fritchie's flag. Whittier's information of the event came in a roundabout way, and was not correct upon this point. General Reno and General Jackson were both born in that part of the State of Virginia now constituting West Virginia. In 1842 they both entered West Point in the same class, and in 1846 they graduated together. From graduation they both went immediately to the Mexican war, and participated in the battles of Chapultepec, Cerro Gordo, and others. In September, 1862, they both held commissions as major-generals, and both were mortally wounded upon the field of battle. General Jackson was accidentally shot by his own men, and although General Reno was not shot by his own men, it was under such circumstances as gave rise to the rumor that he had met his death in that way.

Upon the same street in Frederick, and only a few doors from Barbara Fritchie's house, there lived in September, 1862, a widow, Mrs. Mary Quantrell. At this time she was engaged in teaching a private school. When the Confederates were leaving the town, she and several of her scholars came out upon her front porch and waved a small United States flag in the sight of the passing Confederates. Some of them became angered at this act, and tried to take the flag from her. A Confederate officer then rode his horse across the pavement and up to the porch where she was standing, and prevented his men, so long as he stayed there, from taking the flag or doing any harm to Mrs. Quantrell. After his departure, however, some of the Confederate soldiers renewed the attack, knocked the flag from her hand, and broke the staff in several pieces. Mr. Nixdorff was an eye-witness to this occurrence, and his account has been corroborated by several other witnesses.

Did Barbara Fritchie keep her flag waving from her attic dormer window while the Confederates held possession of Frederick? If so, was it fired upon?

In Mrs. Southworth's letter to Mr. Whittier describing the incident, written in August, 1863, she stated that the following paragraph had gone the rounds of the Washington papers in September, 1862: "When Lee's army occupied Frederick, the only Union flag displayed

in the city was held from an attic window by Mrs. Barbara Fritchie, a widow lady, aged ninety-seven years." Mrs. Southworth obtained her information chiefly from Mr. C. S. Bramsburg and other friends who were in Frederick at the time of the event. Mrs. Southworth adds in this same letter that when the advance of Lee's army under Jackson entered Frederick, every Union flag was lowered and the halliards cut, but that Barbara Fritchie went up to the top of her house, opened a garret window, and waved the Stars and Stripes over the heads of the marching soldiers; that the order was given, "Halt! Fire!" and a volley was discharged at the windows from which it was displayed. After this volley Barbara Fritchie leaned out of her window and cried in a voice of indignation and sorrow "Fire at this old head, then, boys; it is not more venerable than your flag." They fired no more, and she secured the flag in its place, where it waved unmolested during the whole of the rebel occupation of the city. Stonewall Jackson would not permit her to be troubled.

Jacob Schmidt, who lived near Barbara Fritchie, informed a mutual friend that he saw her flag waving the morning that the Confederates marched out of Frederick. Miss Dorothea L. Dix, who served as a hospital nurse in Frederick shortly after the battle of Antietam, expressed the opinion that Barbara Fritchie kept her flag flying from her attic window while the Confederates occupied the city.

Strong corroborative testimony upon this point has been received from Colonel and Mrs. John A. Tompkins, now residing in Baltimore, Maryland. Shortly after the battles of South Mountain and Antietam, in both of which Colonel Tompkins took part, he visited Frederick and spent some time there. He heard the story of Barbara Fritchie from reputable citizens, some of whom were eye-witnesses of the events described. Mrs. Tompkins is a daughter of the late General Shriver of Frederick, a staunch Union man, whose house was the headquarters for the Massachusetts troops, particularly the second Massachusetts regiment. Mrs. Tompkins was personally acquainted with Barbara Fritchie, and saw and conversed with her a few days after the Confederate forces retreated from Frederick. She was also told of Barbara Fritchie's heroism at that time by her friends and eye-witnesses. Both Colonel and Mrs. Tompkins inform me that the investigation which they made at the time of the incident convinced them that Bar-

bara Fritchie kept her flag waving from her window while the town was held by General Lee's troops.

This evidence, when supplemented by Barbara Fritchie's well-settled habit of flying her flag from the same window before the arrival of the Confederates, and her intensely patriotic and fearless character, seems to justify the conclusion that she kept her flag waving from her window during a part of the time at least that the Confederates occupied the town.

Was the flag fired upon by the Confederates? There were thousands of soldiers in Frederick during the six days from September 6th to September 12th, 1862. They were not all of them as considerate of the feelings of the Union people as was "Stonewall" Jackson. There were rough and unruly members among Lee's army. They were not all angels of light. The undoubted attack upon Mrs. Quantrell for waving a Union flag shows that there were some men there capable of firing upon Barbara Fritchie's flag. I do not believe that a volley was fired at her flag under the orders of any Confederate officer; but it would be passing strange if a Union flag kept flying from a house on the principal street of the town was not honored by a few scattering shots from straggling or drunken soldiers.

On September 12th, 1862, the advance of the Union forces entered Frederick and had a skirmish with the retreating Confederates. General McClellan was in command of the Army of the Potomac, and General Burnside had command of the right wing of the army, constituting a grand division of two corps. General Hooker was in command of one of these and General Reno was in command of the other, the Ninth. The Ninth Army Corps then consisted of four divisions, commanded respectively by Generals Wilcox, Sturgis, Rodman and Cox. It was composed of about twenty-five thousand men, and had been recently organized under the supervision of General McClellan. The 23d Ohio Volunteers, which was under the command of Lieutenant Colonel Rutherford B. Hayes, afterwards President of the United States and commander-in-chief of the Loyal Legion, formed a part of the fourth division.

The first of the Union forces to enter Frederick were four companies of the First Virginia Cavalry under the command of Major Moore. They were accompanied by Colonel B. F. Reno, a younger brother of

General Reno, who has given me the following details relating to the skirmish with the Confederate Cavalry.

"We entered Frederick by the main turnpike in the forenoon between ten and twelve o'clock.

I told Major Moore to hold his men back until I could reconnoiter in the field to the right of the turnpike. Major Moore halted his men, and I took my two orderlies of the First Maine Cavalry and proceeded about five hundred feet to the right of the turnpike. While looking up the main street I saw some Confederate cavalry; and about this time, as I turned to look toward Moore, I saw him start to charge the enemy up the street.

I immediately followed with my two orderlies, and got nearly up to Moore's command and went along with them.

Suddenly I noticed the front men were coming back, and I soon discovered that all Moore's men were being driven back by a superior force. I held on, thinking our men would make a stand; but at last I saw Major Moore coming back, so I concluded it was about time for us to leave. I was then riding a black horse which belonged to General Reno, which by mistake had a martingale bridle, the ring of which caught in his bit.

A Confederate soldier who was about sixty or eighty feet away fired three or four shots at me, and I pulled the trigger of my revolver at him, but it did not fire.

My horse was becoming more and more restive during this time. I therefore dismounted and left my horse and ran up an alley. All this time the Confederates were advancing and our forces were falling back. After going sixty or seventy feet, I came to a high board fence, which looked about eight feet high, which I managed to climb over. I found myself in a garden of flowers and fruit trees in the rear of a brick house. I entered the rear door of the house and walked to the front, where I found three ladies. They were very much surprised to see a man in a Union uniform and I introduced myself as a Union officer. One of them arose and walked towards the front door. I said, 'Madam, please don't open the door.' (The Confederates were then passing the front of the house in pursuit of our troops.) She stopped,

and I said that I did not wish to be captured, and that I would leave the room and go out into the garden; which I did.

A few moments afterward I heard reports of musketry and the Confederates were then falling back. Soon after they had passed the house, I came back close to the house and found a door that led into the alley and I went out on to the street.

The Confederates had then passed and I could see our infantry coming up. I spoke to one of the citizens, a large number of whom had come out into the street, and asked a gentleman if he had seen a black horse. About this time a boy of ten or twelve years of age came down the alley and hearing me ask the question, he said there was a black horse in a yard on the next street. I went up the alley with the boy and found my horse in the front yard, quietly eating grass. I told a gentleman who appeared to be watching the horse that he was mine. He replied that he had no claim to the horse; so I mounted and rode up to the square in the centre of the town.

When I arrived at the square I saw a large three or four story building of brick, which was filled with Confederate soldiers, convalescent. I was then, so far as I knew, the only Union man in the town. I said to them: 'Just keep quiet; our troops are now coming up, and will see that you are taken good care of.' I then made up my mind that the best thing for me to do was to leave at once. Going out by the same street that I entered on, I met the 51st Pennsylvania Infantry and Colonel Hartranft. I informed him there was a large number of Confederates in this large building. He detailed a company to take charge of it.

Going further to our rear, I met Generals McClellan, Burnside and Reno about half or three-quarters of a mile back on the turnpike. The orderlies of the First Maine had reported to my brother that they had seen me shot in the streets of Frederick. I was pleased to inform him that I had not been shot.

The Union troops were then advancing towards Frederick, the whole right wing; the Ninth Corps in the lead. We then took possession of the city, and stayed there until the morning of September 13th, 1862. Here we rested and waited for the rest of Hooker's corps to come up."

On Saturday morning September 13th, 1862, the Union forces started to leave Frederick on their way to the battle fields of South Mountain and Antietam. General Reno was early in the saddle and while riding down West Patrick Street, accompanied by Colonel Reno and some other members of his staff, he was attracted by a crowd of people in front of Barbara Fritchie's house. It was common talk in the town at that time among the soldiers that some old lady had kept a Union flag flying from her window while the Confederates held possession of the town and that some of the Confederate soldiers had fired upon the flag. General Reno reined in his horse and upon being told the age and character of Barbara Fritchie exclaimed "The spirit of '76!" He then dismounted, walked up the steps of Barbara Fritchie's house upon her invitation, shook hands with her, and stepped into the house for a few moments. Mrs. Fritchie served him with a glass of her home-made currant wine, and after a few moments' conversation he asked if she would sell him one of her flags. Mrs. Fritchie declined to sell either of her flags, but kindly presented him with the large bunting flag which she had kept flying from her dormer window. He then came out of the house and handed the flag to Colonel Reno, who had remained on horseback during the time that General Reno was indoors. General Reno was quite affected by his interview with Barbara Fritchie and when he handed the flag to his brother he remarked, "Frank, whom does she put you in mind of?" referring to Barbara Fritchie. Colonel Reno replied "Mother," and General Reno nodded his head in the affirmative.

The silk flag which Barbara Fritchie prized greatly and which she generally kept in her Bible, was a small flag about twenty-two inches long and about thirteen inches wide. It had thirty-four white stars upon the blue field and was used by her as a hand flag. This silk flag remained in her possession until her death and then became the property of her niece Mrs. Hanshew. Upon the death of Mrs. Hanshew, in 1892, this flag became the property of her daughter Julia, now the wife of Mr. John H. Abbott of Frederick. There is no doubt that Barbara Fritchie waved this silk flag to the Union forces as they entered Frederick. She was greatly excited by this event and stood at her window watching the troops file past. It was at Mrs. Abbott's suggestion that this silk flag was obtained from between the leaves of the Bible and given to Mrs. Fritchie and waved with great earnestness by her for some time. This attracted the attention of the passing troops, many

of whom cheered for the old lady and her flag. In the course of time this silk flag became much worn and somewhat torn in places by age and much handling, and in 1898, Mrs. Abbott had the flag framed and now keeps it hanging in her parlor in Frederick.

The bunting or cotton flag which Barbara Fritchie presented to General Reno resembled the silk flag in some respects, but was considerably larger and had a strip of canvas with holes in the canvas, through which a cord could be passed and the flag attached to a staff. This flag also has thirty-four white stars and seven red stripes and six white stripes. It is eight feet nine inches long and three feet eight inches wide. The stripes are sewed together with long stitches, and the whole flag bears unmistakable evidence of having been homemade.

Colonel B. F. Reno took the flag when it was handed to him by General Reno, and put it into the holster attached to his saddle. He carried it all day with him and at night placed it in a small leather bag or satchel which General Reno used for papers. The next morning, Sunday, September 14th, 1862, the battle of South Mountain commenced and the flag was allowed to remain at headquarters. At the close of the battle, General Reno was mortally wounded and died within an hour after he was shot. The flag was taken from the battle field by Colonel Reno and carried to Baltimore, where General Reno's body was embalmed, and there placed on his casket. It remained on the casket from Baltimore to Boston, where Mrs. Reno was then residing. The flag was then left in the custody of Mrs. Reno, who always kept it in the army chest containing General Reno's uniform and sword.

For many years the flag had a small piece of paper attached to it in the handwriting of Mrs. Reno, bearing the words, "Barbara Fritchie's Flag." About twenty years ago however, this paper was lost or destroyed. The flag has remained in the possession of General Reno's sons and is still in a good state of preservation.*

BOSTON

CONRAD RENO

*The flag was exhibited to the Commandery by the author, on the evening when this paper was read.

THE TRUE VERSION OF THE BARBARA FRITCHIE EPISODE

Very few, if any, of the great ballads in our language will stand minute cross-examination as to historical accuracy. Almost every line of "The Burial of Sir John Moore" is a misstatement of fact. "Evangeline" has little of history back of it. The story upon which Whittier depended when he wrote "Barbara Fritchie" really comes nearer to accuracy than the average of the most noted ballads in any language. Indeed he told the story almost exactly as he had it from Mrs. Southworth, but she was mistaken in bringing General Jackson personally into it. I think the real incident is given below, as told by Barbara herself to the niece of her husband, who is now residing in Frederick, and who has lately been interviewed in regard to it. She says:

Dame Barbara did not knowingly, at first, wave the star-spangled banner at the Confederate soldiers. A niece had gone to see her aunt that morning, and told her that it was said "the troops" would pass through the town that day. Later the same small maid ran in, in much excitement and called out:

"Aunt Fritchie, the troops are coming."

To the loyal old lady "the troops" meant only one army, the Northern; and when she heard the sound of marching feet, she rose, and taking a small silk flag which she had removed from its staff and hidden in her Bible for safe keeping, she stepped out upon the porch and waved it at the passing men. Instantly a murmur arose, and an officer riding up to the porch said kindly:

"Granny, you had better take your flag in the house."

"I won't do it! I won't do it!" said the old lady, childishly; and then becoming aware for the first time that it was the men in gray that were passing, she defiantly shook the flag at them.

The excitement in the ranks now increased, and threatening murmurs arose, so that another officer left the line and said to her:

"Old woman, put that flag away or you may get in trouble."

"I won't!" she replied, and repeated her action. Angry shouts arose from the men, and a third officer, approaching the porch, sternly said:

"If you don't stop that you'll have that flag shot out of your hand."

The first officer, who had remained throughout this scene, thereupon turned to the last speaker and exclaimed angrily:

"If you harm a hair of her head I'll shoot you like a dog."

From another source I have an additional incident relating to the dame. When the Confederate troops were retreating, they were followed through Frederick by Federal regiments under command of General Reno, who was killed in the battle of South Mountain the next day. Upon arriving in Frederick, General Reno hearing of the incident of the flag, called on the old lady, who took from her Bible the silken trophy and gave it to him. It was found in his pocket after his death, and is now in the possession of his son, Mr. Conrad Reno, a Boston lawyer.

SAMUEL T. PICKARD

P. S. In regard to spelling of "Fritchie." The poem as written by Whittier has it "Frietchie". But her tombstone has it without the first "e", and I suppose this is as she spelled it.

S. T. P.

Transcript, BOSTON

CHANGES IN SUMMER SPORTS

OUR GRANDFATHERS' SIMPLE AMUSEMENTS

WHEN recess-time came the boys went out with a whoop and a rush which carried them as far as the fence. Arrived at that boundary certain of them were sure to look longingly towards "the Hole"; and, though the master had forbidden them to approach it between the hours of nine and four, he could not prevent the engagements, made at almost every intermission while warm weather lasted, to meet there after school was out.

The Hole was an old cellar, twenty feet, perhaps, in diameter. Somewhere at the bottom there must have been a spring, for the cavity was always level full of water. Two rude rafts, public property, were moored at the bank. The challenging party balanced himself on one of these and poled it to the centre of the little pond. The challenged took the other raft, his undertaking being to cross the pond; his opponents' to prevent his doing so. If the rafts encountered, the boy who was first to sit down was the loser of the trick. As a rule, they did collide, and both boys went overboard.

This game was extremely unpopular with fathers and mothers, and at the moment when an unsuccessful player was having his trousers dried in the old fashioned way, the boy himself was willing to admit that the pastime had its disadvantages. Yet he always returned to the Hole, and either a conservative or a progressive might have defended that deed; for this was the one original game which the boys of a certain Maine village knew.

Other sports, current at the place and period, will need no introduction to the boys of thirty years ago. In early spring, stilts were in fashion. A little later, the boys "buxed" marbles, for fun or for keeps, though this was too sedentary an amusement to win high favor. Through the summer and autumn, baseball and football of the artless sort prevailed, supplemented, of evenings, with the eternal tag. In winter the boys coasted and skated and warred over snow forts. Winter would have been the boys' most favored season had there been no snow to shovel.

Characteristic of all these diversions was their exceeding simplicity as compared with modern games. Baseball, for instance, invited strong arms and ready legs; but when the ball was actually "pitched", with the palm upward, a perplexing curve was so nearly impossible that almost anybody could be a batter; and, so long as the "first bounce" was "out", the fielder had little need to take long runs and desperate chances. Football, at least in the country, resolved itself into kicking that was almost aimless. Games that required a large or expensive outfit would not have been tolerated; and there were many popular games that, as one recalls them, seem to have demanded no equipment but a pair of lungs.

Perhaps, indeed, the perennial charm of tag resides in the fact that it can be played in any place, at a moment's notice, by two boys or two hundred. Yet there are variants of the game that, like "the red lion", a favorite form in western New York show a degree of complexity in organization. In this case the other boys, circling about "It", cry:

Six and four are ten:

Command the red lion out of his den.

Thereupon the lion, joining his hands in front of him, makes for the boys. If he separates his hands he must return and touch the goal. When he tags a boy with the joined hands that boy also becomes a lion, and at a repetition of the signal the two start out hand in hand, forbidden to break apart. As the game progresses the row of lions grows longer, and a fleet-footed boy finds it increasingly easy to escape. With boys as with men, it is hard to act in unison. Until a master spirit makes itself felt, the line of lions waveringly pursues as many purposes as there are boys.

In its own way this game is almost, not quite, unique. Boys like to know, what they are about. Most of their pastimes admit of few rules or of rules that are easily to be construed and enforced. But "prison goal" is another exception, and this particular form of tag has been responsible for much railing and more or less bloodshed.

Here the players are divided in two groups, each aiming to imprison the other. A player is entitled to tag any player who left the opposite goal before he started from his own—and such a one only. "Who was the last man out?" is the burning question that continually

arises. At such a time an unprejudiced umpire would be invaluable; but a dozen volunteer arbiters stand for anarchy, riot and red ruin.

As a rough-and-tumble that yields obvious results, a game once popular at the Episcopal Institute of Burlington, Vt., deserves to be mentioned, even though it be not commended. A ball was placed in a corner of the room. A boy squeezed into the corner, two boys stood in front of him, and three boys lined up in advance of them. These six lads were the defenders. The object of the other side was to drag them away and get the ball. It was a simple game, but it had its charms; and the clothiers and the haberdashers approved it highly.

A slow boy who had strength or a weak boy who was crafty might excel in this pastime, but at most athletic sports, the handicapped do not shine, and "Guard the Sheep" would be particularly hard on a stupid lad who chanced to be "It". As the game is played in New York and some Western States, a stick is set up for sheep-guard. "It" blinds his eyes and counts a hundred while his comrades hide. Perhaps he reels it off by the syncopated method, "Ten, ten, double ten, forty-five and fifteen". Anyhow, having finished the count, he seeks the other players. If, after he has espied and named one, It is first back at the goal, the boy who was espied becomes a prisoner.

But the distinguishing feature of the game is that, if an unnamed boy can run into the goal, he is at liberty to throw away the stick and yell, "Sheep-guard down!" By this act, all the imprisoned sheep are freed, and, before It can recapture any, he must replace the stick. In the neighborhood of Buffalo, horrid tales are told of lads who have been "It" for hours at a time, on this basis. Probably in self-defence they finally grew up or left the country.

A boy who is merely muscular and not particularly "smart" might find his opportunity in "truck", however, if he could introduce it. A prominent lawyer of Vermont says that at Waterville, fifty years ago, he was the "best fellow" who owned the roundest and smoothest truck—a section of wood, say a foot in diameter, cut from the end of a saw-log. Two goals were marked off, and the players divided. Members of the one party took turns at rolling the truck; the other side endeavored to check its progress with boards or cudgels or stones, not being permitted to lay a hand upon it.

The gentleman who gives the description says that he never saw the game played elsewhere. He makes the same remark about "drop-ball," another Waterville diversion. The start of this pastime was, for every lad to lay his hat on the ground and then "stand by". Presently, It dropped the ball in one of the hats, and that was the signal for a scattering. The boy in whose hat the ball rested had to snatch up the ball, throw it, and strike one of his mates, or be It in his turn. Commonplace, as it sounds, the game demanded alertness and shrewd calculation. If the boy stood near the hats, he was the more likely to be hit. If he edged away, and the ball was dropped in his hat, the less likely was he to reach the ball and tag somebody who was breaking for cover.

Both of these games make a brave show of originality; but, though it cannot be learned that they have found a home in any other region, the appearance may be deceptive. As Stevenson puts it, "The harmless art of knucklebones has seen the fall of the Roman Empire and the rise of the United States." Professor Rolfe used to tell us that the boy Shakespeare probably played games that Jimmy in Los Angeles and Bob in Eastport continue to pursue. It seems a far cry from Shakespeare's England to our America, but human nature—boy nature, if you will—defies the centuries.

And yet there may be ground for the assertion that the simpler sports are somewhat in decadence. A local sociologist so maintains, and ascribes the alleged fact, in part, to the lamentable decline of "recess". In many of our cities and towns this intermission has been discontinued or abbreviated in order to gain a shorter schoolday, and it is alleged that on this account a boy who needs exercise and who in a general scramble would be forced to take it, misses the opportunity; while the young athletes of the school flock by themselves during the long afternoon, engaging in scientific sports to which the "duffer" is not invited—from many points of view, a double misfortune.

The weakness of the argument, on one side, inheres in this, that the old-fashioned amusements in which our commentator expects all boys to join have their ideal abiding place in the country—not in communities that have modified their school hours. It has frequently been demonstrated that a successful game of tag is possible within the contracted bounds of a city flat and the boys of almost any locality seem native to the joys of chalk-corners and "Jack, Jack, show a light." But

to run well and give tongue lustily, a boy needs the encouragement of space. Then, too, the janitor and the policeman would be against him, in many a city neighborhood, even though a vacant lot breathed inspiration; and there are wide, unfriendly areas in which vacant lots are scarce.

That conditions influence the form of city games is sufficiently shown by "squat tag", a variety of entertainment with which country boys seem unfamiliar. The characteristic of this game is that, when it comes dangerously near, the pursued "squats" suddenly. In the crouching posture, he cannot be tagged. The genesis of such a rule may advisably be sought in the alley, the ungenerous *cul de sac* that affords no room to run. For equally obvious reasons, one seldom sees in urban regions a game of tag on stilts. A country road offers good foothold, and grass or earth is comforting to fall upon, but of neither brick nor granite nor macadam may these things be said. City boys have no less courage than their country cousins, but that is a wise discretion which withholds them from inviting a broken back.

It would doubtless be possible, if one could prolong the inquiry, to show that when a game falls into disuse in any quarter, the explanation is grounded in the very nature of things. More than one reason might be given for the decline of a pastime which, fifty years ago, diverted the boys who lived on an island in Casco Bay, near Portland, Me. The necessary adjuncts to the boys were a steep hill and a stout barrel. The "game" was, to curl up in the barrel and roll down hill. If a boy fell out, or if in the course of the journey he protruded an arm or a leg, he was adjudged a loser.

The reader would not care to take part in that sport. But, if it shames us to concede that we were not such boys as our fathers were, there is still consolation in the thought that our sons may restore the ancient halo. Some day, it may be, barrel-rolling will be revived as a gentle prelude to the training demanded for college football.

BOSTON

WALTER LEON SAWYER

